

# Braille Monitor



AUGUST-SEPTEMBER, 1983

VOICE OF THE NATIONAL FEDERATION OF THE BLIND

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# THE BRAILLE MONITOR

PUBLICATION OF THE  
NATIONAL FEDERATION OF THE BLIND

AUGUST/SEPTEMBER 1983

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## THE BRAILLE MONITOR

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## THE NATIONAL FEDERATION OF THE BLIND

KENNETH JERNIGAN, *President*

National Office  
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\* \* \*

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Box 11185  
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\* \* \*

**THE NATIONAL FEDERATION OF THE BLIND IS NOT AN ORGANIZATION  
SPEAKING FOR THE BLIND—IT IS THE BLIND SPEAKING FOR THEMSELVES**

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### A COMMENT FROM PRESIDENT JERNIGAN

No one can ever accuse the Braille Monitor of being "set in its ways." Ordinarily each issue contains somewhere between eight and thirteen articles. However, as we began to think about the August issue (writing and collecting material in late May and early June), the articles just kept piling up and needing to be written. It soon became clear that we had enough for two complete issues, but it didn't make sense to make an arbitrary division, printing half of the material in August and holding the balance of it for September. All of it needed to be in your hands as soon as possible. Holding half of the

material back for September is exactly the kind of arbitrary, bureaucratic behavior which we spend a great deal of our time decrying. Therefore, we are printing the entire kit and caboodle as soon as we can, and we are combining August and September. I don't know how many pages it will come to but I am sure that it will be at least twice as long as usual. I think you will find this to be a very informative, very stimulating, and very worthwhile issue. If we find the time, we will bring another issue out before October. There is no law against it—and besides, that's the way we are.

### DISENCHANTMENT WITH NAC AND THE ACB

#### FIRSTHAND EXPERIENCES OF A SHELTERED SHOP EMPLOYEE

by Kenneth Jernigan

A number of years ago, when I was in Iowa, I knew and worked with a blind man named David Shapiro. He was a member of the National Federation of the Blind and a colleague in the movement. Then, he was got at by people from the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC). Their propaganda was good, and their promises were better.

He quit the NFB and ultimately joined the American Council of the Blind. He also cooperated with NAC, feeling that

he could trust what they said and rely on their talk of "quality services" for blind people, their rhetoric about ethical conduct and high standards.

It is now years later, and David Shapiro has experienced firsthand NAC's "quality services." He has talked with Dr. Richard Bleecker, NAC's Executive Director. He has been to NAC's meetings and served on its committees. He has been to meetings of the American Council of the Blind. Therefore, he should know what he is talking about.

With his background and experience how does David Shapiro feel today? How does he regard NAC and the ACB? Did they keep their promises? Did they treat him as a colleague? Recently I received from David the following letter:

---

Griffin, Georgia  
May 1, 1983

Dear Dr. Jernigan:

I have no doubt you remember me from our Iowa years together, and I am writing you for two reasons. First of all I am writing you as a wiser man, and a mature one, and secondly I am writing you to admit my past mistakes and wrong, and I know I have been wrong about many things, but now, I can admit my wrongs and go on living.

I am also parting ways with ACB and NAC, because both organizations do hurt the blind, and I have been through a big disappointment with both organizations, and I am parting ways with both of them, and now standing on the barricades again for equal justice for all blind people.

When I lived in Iowa, I do admit that Dr. Bleecker put a big wool over my eyes by his sweet talk, and his personality, to make me believe him and NAC to be an honest organization. He made me believe that NAC was all perfect for a long time. I then started to attend the NAC meetings in person for three years, and I have to admit, then I did get an education firsthand, how secret NAC is, and how much NAC opposes the upward movement of blind workers in workshops for the blind. I also learned how much NAC was opposed to having the average

blind person to serve on all of its board and commissions, and I had the rude awakening of being told to resign a newly formed workshop committee by Dr. Bleecker because of my views on workshops. Later in March, the workshop committee was completely done away with. So my opinions of NAC are different because of the knowledge of how they operate, and the secret manner of their meetings and organizational matters.

I even joined the ACB, but also learned firsthand that they do nothing about improving the workshop conditions for the blind, and I learned of the do nothingness of this organization. Those people can really make you believe they stand for the improvement of the blind, but in reality they do nothing to follow their claims.

I now serve on the advisory committee on sheltered workshops in the Labor Department, and one of the members is a representative from the ACB, but they do nothing to stand up for the rights of the workshop workers.

Dr. Jernigan, I want to voice my deepest apology for anything I said and did that may have hurt the NFB, and I am deeply sorry about it. I do believe in the fight for the betterment of laws to improve the lives of the blind workers, but we have some opposition from NIB (National Industries for the Blind), which I learned much about as well. I learned enough about the NIB to feel that it should be done away with. Their literature and statements have really harmed the blind, and they don't want to see the workers get ahead.

I would like to be a member at large, and be put in contact with some NFB people here in Georgia, so we can stand together to fight for our rights.

---



Count me in—fighting on the barricades—fighting for all of the blind.

Your friend always,  
David Shapiro

---

I was both surprised and pleased to receive this letter. It helps to restore one's faith in justice and the ultimate triumph of truth. Along with it, David sent me letters from NAC people. Notice the dates, the tone, and the promises. Then, read David's article concerning how he has been treated and what he thinks about it. This whole business is very revealing. An advisory committee was established to make recommendations concerning revision of NAC's standards for workshops. Quite obviously Dr. Bleecker and the other NAC leaders hand-picked the committee and thought they could control it—their usual "ethical conduct" and "professional" behavior. David Shapiro insisted on speaking his mind and thinking for himself. In his own words:

"While attending the NAC meeting in Jackson, Mississippi, last year, Dr. Bleecker spent a full hour trying to get me to resign my committee position, and I wouldn't budge a bit. So Dr. Bleecker abolished the whole committee instead. This whole affair sure woke me up on how NAC really feels toward the blind."

These comments from David Shapiro should be kept in mind as the letters which are reprinted in this article are read. Why did NAC suddenly decide that its workshop standards revision commit-

tee should be disbanded, and why did the General Council of Workshops decide that no revision of standards was needed? If one reads beyond the polite language, some very ugly concepts emerge. NAC agree to disband its committee. In return it would like to have the General Council assure it that more workshops would be "encouraged" to seek NAC accreditation—and, to sweeten the pot, a troublesome voice (David Shapiro's) will be silenced. "Professionalism," indeed! The letters and David Shapiro's article speak for themselves. They cannot be denied. They cannot be hidden. They cannot be explained away:

---

New York, New York  
October 4, 1982

Dear Mr. Shapiro:

I am delighted to confirm my invitation to you to serve as a member of the standards advisory committee responsible for the revision of NAC's standards for workshop services. William S. Thompson, chairman of the committee, is also very pleased that you have agreed to serve.

These standards were developed originally in the mid-1960's by COMSTAC and were revised in 1976. Next year, NAC plans to begin comprehensive revisions of its standards for the second time. Two objectives of the "Second Generation" will be to reduce the sheer number of standards and to minimize unnecessary duplication among the sets of standards. We want the revision of the workshop services standards to serve as a transition from the First to the Second Generation format that will achieve greater

clarity, conciseness, and continuity with other NAC standards.

We have been fortunate in receiving sufficient funds to launch this project and we are looking toward completion by November 1983. The Standards Advisory Committee will meet once or twice. The first meeting will have the goal of producing a draft which can be disseminated for review and comment by all interested persons throughout the country. At the close of the period for national review, all comments and suggestions will be compiled and sent to the committee for its review. Another meeting will be called, if necessary, to discuss the National Review input. The Committee will then prepare its recommendations to the Commission on Standards. Finally, NAC's Board of Directors will decide whether to accept the revision as proposed by the Commission, and will authorize publication for use in accreditation. Prior to the first meeting, NAC will send you a copy of the present standards, and a discussion paper to help get the work started.

The principal member of NAC's staff assigned to work with the committee is our Staff Associate, Gerald Kitzhoffer. He will be in touch with you shortly to review the project and its timetable.

If your employer or other resources cannot cover your expenses, project funds permit reimbursement of authorized committee travel and per diem expenses for each day of a committee meeting which requires overnight hotel lodging. The per diem rate currently established by our Board is \$42.00.

Your background and experience with workshop services makes you an ideal committee member for this important project.

In order that we may have a formal record of your acceptance of this invitation, we have attached a form for your signature to be returned in the enclosed envelope. The signed form will constitute our record of your permission to use your name in connection with this project, in order to comply with the general intent of New York law.

I'm looking forward to your early reply.

Cordially,  
Owen R. Davison  
Chairman, Commission on Standards

---

New York, New York  
October 8, 1982

Dear Mr. Shapiro:

By now you will have received from Owen Davison a confirmation of your invitation to serve as a member of The Standards Advisory Committee for the Revision of NAC's Standards for Workshop Services. Please return the invitation form at your earliest convenience.

In our last conversation, you had requested additional information concerning reimbursement. All air and ground transportation expenses will be covered from project funds. A daily rate of \$42.00 for meals and hotel rooms has been established by our Board. Expenses over \$42.00 are not reimbursable. If you will give me sufficient advance notice, I will be able to provide you with a travel advance and room deposit advance if necessary.

I look forward to our future correspondence.

---

Sincerely,  
Gerald J. Kitzhoffer  
Staff Associate

---

Wayne, New Jersey  
January 12, 1983

Mr. Owen R. Davison  
Chairman, Commission on Standards  
National Accreditation Council for  
Agencies Serving the Blind and  
Visually Handicapped

Dear Mr. Davison:

This is in further reference to the subject I wrote you about in my letter of November 16, 1982, and to also acknowledge receipt of a letter recently sent out by the National Accreditation Council on the same subject. It was interesting to note that NAC's letter also copied the members of the Workshop Standards Revision Committee which I had assumed was disbanded since there was no need to keep this committee intact at this time. Although my above referenced letter did not specifically state, it was The General Council's intent that the above committee was no longer necessary since the revision to the workshop standards would not be required, at least in the immediate future.

Mr. Davison, until such time as The General Council of Workshops for the Blind feels more comfortable that the laws and proposed legislation affecting workshops are more clear, and that the revision of standards would be more meaningful, we ask that NAC disband the present committee and not appoint a new committee until the appropriate time.

This very likely will not be until 1984.

The General Council, and of course, National Industries for the Blind which provided the funding for the standards revision, would like to work closely with NAC in the selection of a new committee at a suitable time. I would appreciate hearing from you on this matter.

Sincerely,  
George Jacobson, President  
General Council of Workshops  
for the Blind

---

New York, New York  
January 27, 1983

Mr. George Jacobson, President  
The General Council of Workshops  
for the Blind

Dear Mr. Jacobson:

This will acknowledge your letter of January 12, 1983 regarding the project to revise standards for workshop services.

I should be in a position to comment on this no sooner than March, after several matters relating to our "second generation" revision of standards are reviewed and discussed within NAC. I then will be able to be more specific.

I'd appreciate your patience on this matter.

Sincerely,  
Owen R. Davison, Chairman  
Commission on Standards

---

New York, New York  
March 17, 1983

Mr. George Jacobson, President  
The General Council of Workshops  
for the Blind

Dear Mr. Jacobson:

This will follow up on my letter of January 17, 1983 relating to the project to revise Section D-4, Workshop Services.

It seems to us that even if all federal legislation and regulations were now clear, it would be impractical for us to proceed with the project at this time. As you know, we decided to revise the standards earlier than scheduled only because the General Council of Workshops for the Blind (GCWB) and National Industries for the Blind (NIB) had proposed it. Our original plan called for Section D-4 to be reviewed during phase two of our second generation of standards revisions. And that is the schedule we now see as likely, probably in 1985 or 1986.

For this reason we have suspended the project: we will not be keeping the standards advisory committee on active status and when the time is right we will reinstitute a committee based on our needs. Since the GCWB/NIB Committee to review the Workshop Services Standards concluded that they remain serviceable, we anticipate your support as you continue to encourage affiliated workshops to use Section D-4 and the accreditation process to strengthen their management, services, and public accountability.

As always, we encourage GCWB, NIB, and other interested organizations to sug-

gest potential volunteers for service on our Board, Commissions, and committees. We particularly hope you will continue to give us your thoughts about how the standards governing services provided by this field can be enhanced through the balanced participation of consumers, providers, and members of the general public.

With all good wishes to you and GCWB.

Most sincerely,  
Owen R. Davison, Chairman  
Commission on Standards

---

Date: March 21, 1983

To: Workshop Standards Advisory  
Committee Members

From: Richard W. Bleecker

Subject: Status of Workshop Services  
Standards Revision Project

In my last memo I promised to keep you informed of any development regarding our project to revise NAC's Workshop Services standards.

This is to advise you that the project has been suspended. We do not plan to undertake these revisions until 1985 or 1986, at which time a standards advisory committee will be reinstituted.

Enclosed are copies of correspondence between Owen R. Davison and George Jacobson which explain this decision. We appreciate your patience and cooperation.

---

## **No Bed of Roses An Inside Look at Sheltered Work**

by David Shapiro

Many visually handicapped workers employed in sheltered workshops are overworked and underpaid and labor in substandard working conditions. I know this from my own experience. Since 1977 I have worked in three different sheltered workshops.

In the United States, there are about 100 sheltered workshops that concentrate on employing blind persons. These firms produce various merchandise for the home and business. Half are privately managed, while the others are run by State rehabilitation programs.

In the privately operated shops, rarely does a blind person serve on the governing board of directors. Instead, the boards consist of sighted people, usually local businessmen and women. They have no direct contact with shop employees and seldom do workers discuss workshop issues before the board.

In both private shops and the State rehabilitation shops, managers are almost always sighted and have little direct contact with their workers. For the workers, training periods are exceedingly long, wages low, benefits few, and all jobs are dead end work with no possibility for advancement.

I have worked at one private shop in Austin, Texas, where workers are subjected to prisonlike conditions. Job trainees earn \$.50 to \$1.50 an hour with no benefits. Supervisors watch them like hawks and even monitor calls. During the two months I worked there, I had the humiliation of having two incoming tele-

phone calls monitored.

After job trainees become regular employees, they fare little better. Work areas are poorly ventilated, and even in summer the windows remain locked. A breakroom has only one cold drink machine, a long table, and hard-backed folding chairs. Wages for regular employees range from \$40 to \$80 every two weeks with no medical, life, or retirement insurance.

For over two years, I worked at another private workshop for the blind, this time in Fort Worth, Texas. This shop was better, but it had some problems.

For instance, job trainees spend their first three weeks in "work evaluation." They labor at dismantling and assembling writing pens, but receive no wage.

Trainees graduate into "work adjustment." This can last from three months to two years. Employees work with writing pens and guitar strings, they cane chairs, and they produce large boxes. The average take-home pay ranges from \$114 to \$200 a month with no paid vacations, holidays, or other benefits.

After a blind worker becomes a regular shop employee, he or she earns from \$2.00 to \$3.10 an hour. But still there are no benefits and paid time off is limited to six holidays, plus one week of vacation during the summer.

In addition, regular employees are often subject to sudden and unpaid layoffs, lasting from two days to three weeks. These layoffs are caused by poor planning by the management in procuring contract work. From March until May of this year, I worked only a total of 20 days at the Fort Worth workshop.

I now live in Georgia and work at a shop run by the State rehabilitation

agency. Pay is still low, but this operation has many good features that most private workshops lack.

The workshop has a variety of contracts to fill, and the operation is well planned and manages to provide work for everyone. Work areas are air conditioned. The canteen is roomy with large tables and chairs and carries many kinds of food.

Right now, I am a sealer machine operator trainee at the workshop. I receive \$2.06 an hour with no medical or retirement benefits of any kind, and my training period lasts six months. Once I become a regular employee, I will still only earn \$2.56 an hour, but I will get

12 paid holidays, plus one week of vacation each summer.

Hundreds of blind workers in this country face the same conditions I have encountered at workshops that are supposed to help restore dignity for visually handicapped people. These operations say they make the blind more independent and self-supporting. Quite the opposite takes place.

Good laws and proper enforcement of them are needed to protect the rights of blind workers. If this can happen, every blind workshop worker will come to know the true meaning of living and being free.

## FEDERATION WINS VICTORY IN OKLAHOMA

### NO CHARGE TO BLIND FOR DIRECTORY ASSISTANCE

Tulsa, Oklahoma  
April 20, 1983

Dear Dr. Jernigan:

We are elated over our recent victory here in Oklahoma. We have won a major victory indeed. The National Federation of the Blind of Oklahoma (NFBOK) has just negotiated a model exemption from Directory Assistance charges. Blind Oklahomans will be eligible for an unlimited and equal access to Directory Information. This is not special privilege, but rather equal and free access. The blind person will be exempt, not just his or her home phone. A card will be provided by the Southwestern Bell Company; this card may be used anywhere

in the state as a blind person may need it. This exemption will also be based on presumptive blindness. Each blind person in Oklahoma will be able to certify himself by simply filling out and signing a telephone company form. No extra hassle or expense will be required. No medical or professional agency will need to be contacted.

Our success was accomplished because Federationists in the Sooner State would not settle for less than a full and complete exemption. We would not sit still for the token initial offer of the Company. Unlike the American Council of the Blind and others who claim to represent the blind of Oklahoma, we stood up for our total rights. Our fellow blind from across the country also

helped in our efforts. Cases in many other states gave us experience and precedents with which to work in our negotiations. Also Richard Edlund, our National Treasurer became involved doing some behind the scenes negotiating with Southwestern Bell Headquarters. In short, we won because we have the philosophy, the purpose and the leadership and we work as one movement. Soon, we expect Southwestern Bell to begin charging for Directory Assistance calls, but the blind of Oklahoma will pay no additional price for information which is free to the sighted. We hope our victory will help other blind people around our nation. We know it is another reason why the National Federation of the Blind. I am including a letter from Robert Stafford of Southwestern Bell detailing our victory.

Sincerely,  
Michael B. Floyd, President  
National Federation of the Blind  
of Oklahoma

---

March 15, 1983

Dear Mr. Floyd:

This is to confirm our conversation of March 14, 1983, regarding Southwestern Bell Telephone Company's Cause No. 28002 now pending before the Oklahoma Corporation Commission. In that Application, Southwestern Bell has offered a Directory Assistance Service Plan.

In an effort to meet the needs and concerns of the print handicapped community in Oklahoma, we have offered the following proposals. For those certified customers whose physical, visual, mental or reading handicaps prevent them from using the telephone directory, the Directory Assistance Service Plan is not applicable.

A credit card will be available for the use of the certified print handicapped when they are away from their residence. An individual may become certified by completing a designated Southwestern Bell form.

As we discussed, these proposals will meet the needs and concerns that the Federation of the Blind of Oklahoma has concerning our pending Application. I will advise Mr. Lindil Fowler of the agreements that we reached.

I appreciated the opportunity to discuss your organization's concerns. If I may be of assistance in the future, please let me know.

Sincerely,  
Robert E. Stafford  
District Staff Manager—  
Revenue Requirements  
Southwestern Bell

cc:  
Mrs. Norma Eagleton  
Vice-Chairman  
Oklahoma Corporation Commission

Mr. Lindil Fowler  
Deputy General Counsel  
Oklahoma Corporation Commission

**GOVERNOR OF NEW MEXICO PROCLAIMS  
NATIONAL FEDERATION OF THE BLIND MONTH**

Another state governor has proclaimed National Federation of the Blind Month. This time it was Governor Toney Anaya of New Mexico, who proclaimed April, 1983, National Federation of the Blind Month throughout the state. Long-time Federationist Joe Gonzales played an important part in bringing about this honor and recognition.

Under the able leadership of Fred Schroeder, the President of the NFB of New Mexico, the organization is gaining momentum and growing in strength. Here is Governor Anaya's Proclamation:

**Proclamation**

Executive Office  
Santa Fe, New Mexico

Whereas, through the years, the National Federation of the Blind of New Mexico has been the principal organization developing programs to promote self-sufficiency and pride among blind persons. Today, the Federation is represented by 50,000 members nationwide who continue to work to secure equal rights and opportunities for blind people; and

Whereas, the New Mexico affiliate of the National Federation of the Blind, now in its twenty-sixth year, stands at the forefront in meeting the needs of blind people; and

Whereas, the white cane has become an

easily identifiable instrument helping the visually impaired to find a safe and clear path and it alerts pedestrians and drivers to the approach of a blind person; and

Whereas, the New Mexico affiliate of the National Federation of the Blind played a significant role in successful passage of the New Mexico White Cane Law in 1967, which ensures equal opportunity for employment, equal right to rent or purchase housing, the right to travel on public thoroughfares and conveyances, and equal access to public places; and

Whereas, the National Federation of the Blind of New Mexico not only advocates for the rights of blind persons, but also aids in obtaining employment for blind people through its "Job Opportunities for the Blind" program (JOB);

Now, therefore, I, Toney Anaya, Governor of the state of New Mexico, do hereby proclaim April 1983, as: "NATIONAL FEDERATION OF THE BLIND MONTH"

Done at the Executive Office this 23rd day of March, 1983, witness my hand and the Great Seal of the state of New Mexico.

Toney Anaya  
Governor

Attest:  
Clara Jones  
Secretary of State



## ACTIVITY IN NEW JERSEY

The New Jersey Commission for the Blind, it seems, is constantly in trouble. There have been two developments in recent months which (placed side by side) show an interesting pattern. The first is the resolution which the legislature of the state of New Jersey passed at the urging of our New Jersey affiliate. The second is the testimony given before the Budget Committee of the legislature by our affiliate concerning the budget request of the Commission.

The resolution (which was passed by the House in the form we suggested and by the Senate in a slightly watered down form) puts the legislature on record as favoring the continued existence of the New Jersey Commission for the Blind as a separate agency. The testimony pointed up the shortcomings of the Commission and asked the legislature to insist upon accountability. These two actions on our part are not at all contradictory. They are right on target. We have always advocated the establishment and continuance of separate, identifiable agencies to give services to the blind. We have also insisted that those agencies be responsive and responsible. To say that we wish an agency to be accountable does not mean that we wish to destroy it, and to say that we will fight to maintain the existence of an agency does not mean that we will support it in irresponsible actions or lack of performance.

Surely this is not a complex attitude or a difficult position to understand. We want good agencies, and we want part-

nership. We will settle for nothing less, and we will not be stampeded into supporting the unsupportable. Our resolution passed the House April 11, 1983. Our testimony before the Budget Committee was given April 26, 1983. Commission officials attempted to pack the Budget Committee with blind persons who would say how wonderful the Commission was. Such an approach by the agency is short-sighted. True partners are always more effective than slaves. They fight with more vigor. They speak with more conviction. They have more incentive. They have more to lose. Here are both the resolution and the testimony:

### Assembly Resolution

by Assemblyman Doria

WHEREAS, Every blind person has a basic human right to quality service programs that enable him to achieve maximum adjustment to his handicap, restoration of self-dignity and maximum productivity and social usefulness; and,

WHEREAS, The New Jersey Commission for the Blind and Visually Impaired was established to provide education and vocational rehabilitation for the blind; and,

WHEREAS, The rehabilitation of the blind must include special training in alternative techniques, such as reading Braille and acquiring new mobility patterns, which allow blind people to achieve independence and to become tax-

payers rather than welfare recipients; and,

WHEREAS, Studies of programs for the blind in various states have revealed that separate, identifiable programs provide higher quality, more specialized services, at lower cost and involving fewer personnel, than programs which are integrated with other governmental operations; and,

WHEREAS, While the New Jersey Commission for the Blind and Visually Impaired has been justifiably criticized for sloppy performance and poor management caused by an inept and inexperienced administration, this in no way invalidates the concept of a separate, identifiable program for the blind; now, therefore,

BE IT RESOLVED by the General Assembly of the State of New Jersey:

That this House hereby recognizes the soundness and validity of the concept behind the existence of the Commission for the Blind and Visually Impaired, and reaffirms the need to continue a separate, identifiable program for the blind in New Jersey; and,

BE IT FURTHER RESOLVED, That this House pledges to continue working to ensure that the blind and visually impaired citizens of the State of New Jersey receive quality services.

---

**Testimony by the National Federation of the Blind of New Jersey Concerning the 1984 Budget Request of the New Jersey Commission for the Blind and Visually Impaired:**

The National Federation of the Blind of New Jersey is a social action advoca-

cy organization of blind consumers. This advocacy role gives us access to firsthand information concerning the quality of services offered by the New Jersey Commission for the Blind and Visually Impaired. Consumers of a service are the best judges of the quality of that service. Consumers agree that the Commission offers extremely poor services.

During the past year, the Department of Human Services claimed that reforms were initiated at the Commission. In reality, the Department of Human Services is more concerned with public relations than substantive service issues. The Commission budget information submitted to the Joint Appropriations Committee illustrates the Department's preoccupation with public relations.

This information lacks clarity. The information is structured in a misleading manner. Members of the NFB of New Jersey urge this Committee to demand accountability from the Commission on how tax dollars will be spent. We further urge this Committee to make sure that direct services to clients improve. Clarification on the budget information is necessary in the following areas.

**Client Data**

Client data is one example of how the Commission creates a false image of service. The Commission estimates that 350 blind people will be rehabilitated in 1984. They further estimate that 136 of these clients will be home makers and 214 clients will be placed in employment. This creates the illusion that the agency will place 60 percent of its rehabilitated clients in employment. However, the Commission does not explain what employment means. How many of these

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214 clients will be so-called unpaid "family workers?" How many of them will be placed in a sheltered workshop, making less than the minimum wage? How many of these 214 clients will be vendors who are not really new clients, but are counted as placements when moved to a new location? The Commission further creates an illusion of progress because in 1982 only 176 clients were placed in employment. In 1983, the Commission states 213 clients will be placed in employment. The Committee should be told how many clients have been and will be placed in competitive employment.

### Position Data

The personnel or position data is confusing and creates another illusion of service. For 1983, under the category Lump Sum Appropriation Authorized Positions, the Commission lists 191 slots. For 1984, the number of positions in this category will decline to 134. This does not mean that the Commission will have fewer staff in 1984. All that has occurred is reshuffling of numbers. For 1984, there will be a 39 percent increase in the budgeted positions category. For 1983, the Commission states that it has a staff of 332 people. For 1984, the Commission estimates that its staff will be 330 people. Why is it necessary to have a 49 percent increase in the number of staff under the Management and Administration services category for 1984?

The positions listed under the Instructions and Community category show a 62 percent increase for 1984. Once again, we are given the impression that more service will be provided. This category includes education counselors,

mobility instructors, social workers, etc. The 73 positions listed under this category are not all field service workers as the material implies. The question that must be addressed is how many field workers does the Commission have to provide instruction and counseling for blind people in New Jersey? The information given to this committee does not answer this question.

### Fiscal Data

As you know, the Commission's budget request is divided into 3 categories: Habilitation and Rehabilitation \$2,043,335; Instruction and Community \$2,627,677; Management and Administrative services \$1,419,701. These figures create the illusion that Management and Administrative services are only 23 percent of the budget or the least costly part of the requested funds. However, the \$2,043,335 requested under Habilitation and Rehabilitation, and the \$2,627,677 requested under Instruction and Community also incorporate management costs. It is impossible to know what management costs really are from this information. This Committee and the public should be told how much of our tax dollars go to management costs and how much go to direct service.

As you may remember, the Commission wasted \$880,000 on the purchase of the Westfield property. After the property was purchased, it was decided that the Commission did not have the money to operate a rehabilitation center at this facility. Clients not only lost a desperately needed new residential rehabilitation center, but since case service money was involved, other opportunities were lost and fewer clients were

rehabilitated. As a result, the state now owes the federal government money. What part of the Commission budget will be used to repay this debt to the federal government? Will it represent another loss in case service money for clients?

The legislature intended that the budget process be an open one. Public participation is welcome. Therefore, the legislature should insist that the Commission present a clear, accurate budget request. The Commission should give greater accountability about how it plans to spend tax dollars. The public has the right to know how many of the 330 Commission personnel are field service workers who provide direct counseling or instruction. The public also has the right to know how much of the Commission's funding really goes toward client services.

The Governor recommends that the Commission's budget for 1984 be increased approximately 15 percent. Will this increase be used to improve client services? Members of the NFB of New Jersey are skeptical that such an increase will really be used for this purpose. There is no evidence in your budget information to substantiate this claim. The trend at the agency over the past 7 years has been toward decline in the

quality of service. Programs have been eliminated, and fewer clients have been placed in competitive employment. The only increases at the Commission have been in the size of the staff and higher management costs. The blind need action not promises of change.

Throughout its history, the New Jersey Legislature has demonstrated interest in providing and maintaining quality service for blind citizens in the state. One of the most recent examples of this legislative interest was the passage of A.R. 14. This resolution affirms the necessity of a separate delivery system of service for the blind. The Resolution also acknowledges the fact that the Commission has been plagued by poor management. We appreciate this interest and support very much. However, greater safeguards for quality service for the blind are necessary. Therefore, we urge the members of this Committee to approve the Governor's recommendation of increased funding for the Commission with the stipulation that such funds be used solely for direct counseling or instruction for blind clients. This is the only way to ensure that the blind of New Jersey will receive quality services and that the agency will fulfill the purpose for which it was created.

## **MORE ABOUT KEN VOLONTE AND PACIFIC EXPRESS AIRLINES**

In the July, 1983, issue of the Monitor we published a letter from Ken Volonte, who is the President of our Stockton Chapter, to Pacific Express Airlines. Mr. Volonte's letter was dated March 31, 1983. When almost a month had

passed and he had received no reply, Sharon Gold (the President of our California affiliate) sent a follow-up letter. Then, Pacific Express replied.

A study of this correspondence reiterates a point which we often make: Things

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can be changed. The way to progress is through concerted action, and this means the National Federation of the Blind. If we persist and if what we want is reasonable, we will ultimately achieve it. It may (in fact, it usually does) take time, and the changes may come gradually and piecemeal—but the point is that they do come:

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Sacramento, California  
April 22, 1983

CERTIFIED MAIL  
Mr. Stan Cobb, President  
Pacific Express Airlines  
Chico, California

Dear Mr. Cobb,

It has come to my attention that Mr. Ken Volonte wrote to you under date of March 31, 1983 concerning the treatment he received at the hands of Pacific Express Airlines during his flight from Los Angeles to Stockton on Sunday, March 27, 1983, and that to date Mr. Volonte has not received an answer. Mr. Volonte was assigned to a bulkhead seat without his knowledge and was apparently forced to remain in the assigned bulkhead seat even though he preferred a nonbulkhead seat and seating availability aboard the plane would have allowed him to be relocated to his satisfaction.

As you know, the Federal Aviation Administration no longer has a ruling concerning the seating of a blind person, using a dog guide, in a bulkhead seat. If Pacific Express has any such regulations concerning passengers traveling with dog guides, Mr. Volonte

should have been extended the courtesy of a copy of such regulations at the time of his flight. You will note from his letter (copy enclosed) that Mr. Volonte has again requested a copy of any regulations Pacific Express has concerning the seating of blind passengers traveling with dog guides or a statement concerning Pacific Express's policy. Please be advised that it is now recognized that blind persons traveling with dog guides do not require bulkhead seating, as the dogs and all passengers concerned are often more comfortable elsewhere in the plane.

According to California law, Civil Code, Section 54.1(a), "Blind persons ... shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, and privileges of all common carriers, airplanes...." "Full and equal access" guarantees blind persons the right to sit aboard an aircraft in a seat of their choice subject only to availability. For your information I am enclosing a copy of "California White Cane Law," the California statutes regarding the blind and disabled, as compiled and published by the National Federation of the Blind, Western Division.

Your attention to this matter and a response to this letter will be appreciated.

Very truly yours,  
Sharon Gold, President  
National Federation of the Blind  
Western Division

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Chico, California

April 26, 1983

Ms. Sharon Gold  
National Federation of the Blind  
Sacramento, California

Dear Ms. Gold:

Thank you for your informative letter of April 22, 1983.

It is unfortunate that the attendants on Mr. Volonte's flight were unaware of Pacific Express' policy concerning the seating of blind passengers traveling with dog guides.

We have extended our apologies to Mr. Volonte regarding the incident, and forwarded the requested copies of our carrier's regulations governing seating of the blind.

Enclosed please find a copy of our letter to Mr. Volonte.

Sincerely,  
Sarah J. Wiggett  
Consumer Affairs  
Pacific Express Airlines

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Chico, California  
April 26, 1983

Mr. Ken Volonte, President  
Greater Stockton Area Chapter  
National Federation of the Blind

Dear Mr. Volonte:

Please accept our apologies for what you felt was "rude" and "inconsiderate" treatment by our flight personnel.

Nowhere in our tariffs, nor in the Flight Attendant Manual is it stated

that blind passengers are to be seated in bulkhead seats. Section 312-8 of the Flight Attendant Manual states: ... "blind passengers with seeing eye dogs will be seated in row one window seats if possible. This procedure is to accommodate both passenger and dog with extra room. The intention is not to restrict the passenger's choice of seating.

The manual further states that Flight Attendants must individually brief the blind passenger, prior to take off, on the use of seat belts and the routes to each appropriate exit. They are also instructed to ask, "What is the best way in which I can assist you in the event of an evacuation?"

There is nothing in the briefing that states that a blind passenger will deplane last. Seating arrangements are made in the interest of passenger safety. For this reason blind passengers traveling with dogs are restricted from occupying seats in emergency exit rows. Other than availability, this is the only limit to your choice of seats.

We appreciate your bringing this incident to our attention Mr. Volonte. Copies of your letter have been sent to the Flight Attendant supervisors in Los Angeles and San Francisco. We have requested that all Inflight personnel be advised of our airline policy regarding the seating of blind passengers traveling with dog guides.

Again our apology for your unpleasant experience on our airline. Though there is no excuse for the misinformation given by our Flight Attendants, we're certain that their intentions were to be of service to you.

Enclosed are the requested copies of our tariff and Flight Attendant Manual

concerning the transporting of blind persons traveling with dog guides.

Sarah J. Wiggett  
Consumer Affairs  
Pacific Airlines

Sincerely,

## ROBERT ACOSTA NAMED AS WITNESS AGAINST THE BLIND

by Sharon Gold

(Reprinted from the March-April, 1983, issue of the  
National Federation of the Blind SPOKESMAN in California.)

Pacific Southwest Airlines (PSA) has named Robert Acosta as an expert witness to testify in the case captioned Michael Hingson vs. Pacific Southwest Airlines. This case arose when PSA refused to allow Michael to board its 9:15 a.m. flight to fly from Los Angeles International Airport to San Francisco on September 18, 1980—a flight for which he had a confirmed reservation. PSA claimed there was not a seat for Michael, who was traveling with his dog guide Holland, because the "bulkhead seats" were filled. However, there was one non-bulkhead seat remaining on the plane. While Mr. Hingson and the boarding agent were having an exchange over the non-necessity of a bulkhead seat for Michael and his dog, the remaining seat on the plane was sold and occupied by another passenger leaving Michael to wait for the next flight. Although Mr. Hingson was traveling for his employer and thus required to report to work in San Francisco, he was forced to wait an hour for this flight.

At the appropriate time, Mr. Hingson boarded the plane which had open seating

and attempted to take a seat of his own choosing. However, Mr. Hingson was physically restrained from proceeding beyond the bulkhead seats. When he attempted to explain to the agent his wish to sit elsewhere in the plane, Mr. Hingson was bodily ejected from the plane by PSA summoned authorities who injured his hand, tore off his watch, and took his dog guide by force. With the assistance of the National Federation of the Blind, Michael filed suit against PSA on July 2, 1981, and after two and a half years, Michael Hingson vs. Pacific Southwest Airlines is scheduled to come to trial before a jury in Los Angeles on April 26, 1983, in the United States District Court, Central District of California.

As is customary, counsel for PSA has filed a list of witnesses that the airline intends to call to testify. Examination of this list of witnesses reveals the name of Robert Acosta. Of course, I do not know what Robert Acosta is going to say, however, a party to a law suit does not call witnesses who are unfavorable to their position.

We can therefore only assume that Mr. Acosta, a dog guide user of many years and an individual who a few years ago would have defended a blind person's right to choose bulkhead or non-bulkhead seating when traveling with a dog guide, has now done yet another about-face and apparently intends to again "sell-out" the blind.

While this case deals with a number of issues, not the least of which are Michael's injuries and embarrassment and the physical abuse of him and his dog guide, it goes directly to the point of whether or not blind persons have the right to occupy a seat of their choice and whether airlines and other modes of public transportation can dictate the seating place of blind persons while allowing the other members of the general public to sit in seats of their choice. This is the same issue which the black movement of this country settled in the 1960's—that of whether black people would forever occupy the back of the bus or whether black people could join members of the general public in choosing a seat of their choice anywhere on the bus.

For black people, settlement of this issue affected their equality within society and was a significant hurdle along their road to first-class citizenship. Similarly, we the blind must settle the matter of whether we are going

to remain outside the mainstream of society and have airlines dictate our place of seating or whether we are going to join the mainstream of society and exercise our equal rights to a seat of our choice. The road to first-class citizenship involves mounting obstacles on many fronts. For Robert Acosta to give testimony which would in any way support PSA's behavior toward our blind brother Michael Hingson is to give testimony against the right of the blind to first-class citizenship. As the black movement had to face their Uncle Toms, so do we the blind have to face ours.

Through collective action, we of the National Federation of the Blind long ago made the commitment to bring first-class citizenship to the blind. Michael Hingson vs. Pacific Southwest Airlines is but one more obstacle along our road to equality.

#### POSTSCRIPT

Since the writing of this article, the Hingson case has come to trial. The decision was unfavorable. Therefore, we are appealing to a higher court. The principle is so important that we cannot simply let it go. We must fight on to victory. For further background information on the Hingson case, see the Braille Monitor for September, 1981.



## NAC TAKES IT ON THE CHIN

### NCSAB SAYS NO

by Kenneth Jemigan

As Federationists know, I spoke at the meeting of the National Council of State Agencies for the Blind (NCSAB) in New Orleans last November. The reception I received was warm and cordial. However, there was one discordant note. The National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC) had a few supporters present, and those few supporters (they were very few) tried to get a motion passed endorsing or supporting NAC. They failed. In fact, they had so little support that they lost heart and did not dare even to bring the matter to the floor.

NAC is noted for many things, but perception is not one of them. At the NCSAB meeting in Alexandria, Virginia, this spring they tried again. Here is how it happened. Travis Harris (a staunch member of the American Council of the Blind, an equally staunch NAC supporter, and the head of the Oklahoma state agency for the blind) brought with him a resolution, which he tried to get adopted. As soon as the resolution surfaced, opposition began to form and grow. Here is the Resolution:

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National Council of State  
Agencies for the Blind

### Resolution 8303

WHEREAS, the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC) is celebrating its fifteenth anniversary; and

WHEREAS, the quality of services to target populations is enhanced by the adoption of and adherence to standards of excellence; and

WHEREAS, NAC was established to set and maintain, through an accreditation program, standards for agencies serving the blind and visually handicapped: Now, therefore,

BE IT RESOLVED by the National Council of State Agencies for the Blind, at its meeting in Washington, D.C., on this 21st day of April, 1983, salutes NAC; and

BE IT FURTHER RESOLVED that support of and adherence to standards for excellence as established by NAC ought to be one of the important criteria for funding sources in the United States relating to agencies serving the blind and visually handicapped.

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The NCSAB resolutions committee met late Wednesday, April 20, and it was clear that it had no chance of passage. The only question was how thoroughly and

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in what form NAC would be licked. Dick Seifert (the head of the Arkansas agency) was chairman of the resolutions committee, and he expressed the opinion that the resolution should be "postponed indefinitely." Such an action, he said, would insure that the matter of endorsing NAC would be unlikely to come up again since it would take a vote of two-thirds to reintroduce it, even at future meetings. This action on the part of Mr. Seifert is particularly significant in view of the fact that he has never been identified as an opponent of NAC.

At the NCSAB business meeting Thursday, April 21, the matter came to the floor. As could have been expected, Don Wedewer (the head of the Florida agency and a long-time NACster) spoke strongly in favor of the resolution. In true NAC fashion it was said that three agencies (three which, just by chance, seemed unfavorable to the resolution) had not paid their dues and could not vote. Even so, the resolution failed, and the suggestion of the resolutions committee was approved. The matter was "postponed indefinitely," meaning that it will now

require a two thirds vote to bring it up again at any future meeting.

Travis Harris was, as the saying goes, "fit to be tied." He publicly and angrily accused the resolutions committee of "railroading" the matter. It was decided that his unseemly remarks would be struck from the record, and such was doubtless done.

Most of the state agencies doing work with the blind are not accredited by NAC, and there seems little likelihood that they ever will be. Moreover, most of them do not seem inclined to want to require that private agencies from whom they purchase services seek or accept such accreditation. In the mid-1970's NAC (in its usual "professional," "constructive" manner) caused such dissension in the NCSAB that the organization was almost destroyed. Very few state directors wish a repeat performance. While it is true (as the ancient proverb puts it) that "the sun doesn't always rise on the same old day," it is equally true (as NAC keeps showing us) that it sometimes does.

### "ALL THINGS CONSIDERED"

"All Things Considered" is a well-known feature of National Public Radio. On April 19, 1983, it ran a feature on the controversy which has been taking place in New York City concerning the desirability or undesirability of putting special guardrails in the subway stations as a safety measure to help the blind. As might have been expected, the National Federation of the Blind and the

American Council of the Blind found themselves on opposite sides of the question.

Even after all of these years, there are those who still cling to the comforting myth that: "Let's all get together; for after all, we are all working for the same thing." Of course, we are not all working for the same thing. To pretend that we are is either self-

deceptive or dishonest. The transcript of that part of "All Things Considered" which deals with this subway controversy is reprinted here to make the point. We and the American Council of the Blind do not agree as to what the problems of blindness are, let alone how to solve them. We differ at the most basic level as to what blindness is and how to deal with it.

As *Monitor* readers know, Rami Rabby is the Secretary of the National Federation of the Blind. It will be observed that he is speaking for the Federation. Here is the transcript of the program:

Announcer: "It was the third such accident on that particular subway line—the only one in the city not equipped with special safety barriers. Under pressure from groups representing the blind the New York Transit Authority is now developing a safety barrier that can be installed in about 1,100 cars. But some members of the blind community are arguing against the idea. From New York Katie Davis has this report":

Katie Davis: "The New York Transit Authority is putting the finishing touches on a model safety barrier and plans to test it this month. The barrier is a row of horizontal bars that looks like interlocking fingers. It would fill up the space between subway cars making it impossible for passengers to slip between them. But one agency for the blind is actively lobbying Transit officials."

Rami Rabby: "We're opposed to safety barriers for the blind."

Katie Davis: "Rami Rabby speaks for the New York State chapter of the National Federation of the Blind. Rabby, who is blind himself, says he's against adding these safeguards because it

creates the image that blind people are high safety risks. That image, says Rabby, makes getting a job which involves travel or a life insurance policy without inflated premiums difficult."

Rami Rabby: "The installation of safety barriers for the blind would have this effect of perpetuating the public's conception of blind people as unsafe and would hurt us in employment, education, insurance, housing, etc., etc."

Katie Davis: "But the President of the New York State chapter of the American Council of the Blind, Dorothy Matano, says she's been warning the Transit Authority for ten years about the danger of subway cars without barriers. In 1971 more than one thousand new subway cars were introduced without safety chains like the older models. The Transit Authority says the old safety chains interfered with tunnel travel in the new cars. Since then two blind people have been killed and one woman lost both legs and arms falling between these new cars. Dorothy Matano, who's blind herself, says action is long overdue."

Dorothy Matano: "This is really a hazard to the populous at large. You know how there's a sudden surge during rush hour, and the platform full of people just surge toward the train? Anyone can go off that edge. They don't have to be blind, visually handicapped. They could be just you."

Katie Davis: "Officials at the Transit Authority say the division in the blind community may have an impact on the decision to install the safety barriers. John Simpson, President of the city's Transit Authority, says he's convinced that the barriers are necessary. But, says Simpson, the Board of Directors of the regional Metropolitan Transit Au-

thority (who will vote yes or no) are debating whether to spend tax dollars on a specialized group."

John Simpson: "Should the public—because ultimately the public is the one that pays—have to pay to install special devices which may be useful for very, very few people with very particular handicaps, or is there a better way to serve those people and give them mobility?"

Katie Davis: "And that's one of the arguments that Rami Rabby of the National Federation of the Blind is using to sway MTA board members. He says that spending five million dollars is wasteful. A fraction of that price tag would be better spent on a training program to teach blind people how to ride the subway safely, according to Rabby."

Rami Rabby: "The remedy is not to change the world and make the world safe for blind people. The remedy is to have effective training programs in cane travel."

Katie Davis: "But Dorothy Matano of the American Council of the Blind says

that the man who died last December under the subway car was an experienced cane traveler—a veteran of twenty years of riding the trains. Matano says the argument that proper training can make the subway safe for blind travelers is unrealistic."

Dorothy Matano: "Blindness, indeed, can be a disability. We know people who are blind who can't find their way out of a room. We know other people who are blind who are pretty, oh entirely, self-mobile and independent. So this varies from person to person."

Katie Davis: "The safety barriers are scheduled to be installed in four subway cars this month for a trial period. Later this year the MTA board will vote on the proposal to install them in all subway cars without safeguards. In the meantime there are no plans for any interim safety measures, although some agencies have suggested putting in textured surfaces in front of subway car doors to help guide blind travelers. For National Public Radio, I'm Katie Davis in New York."

## WHISTLING IN THE DARK—A Review

by Duane Gerstenberger

The Pelican Publishing Company has announced plans to publish Whistling In the Dark: The Story Of Fred Lowery, the Blind Whistler by Fred Lowery as told to John McDowell sometime in 1983. They have made a proof copy available to the Braille Monitor.

Those who can recall the Big Band Era of the 1930's and 1940's likely will

remember Fred Lowery's hit recordings of "The High and the Mighty" and "Indian Love Call." This autobiography portrays a man who possesses three unique, distinguishing characteristics: he is a professional musician with a very unusual talent; he practiced his profession during the early days of radio and throughout the Big Band days, and,

therefore, met and worked with entertainers such as Glenn Miller, Rudy Vallee, Vincent Lopez, Harry James, Alice Faye, Betty Hutton, and Bing Crosby; and he is blind. To the book's credit, its value derives more from experiences arising out of the first two of these characteristics than it does the third. In fact, the book presents a relatively positive image of blindness. However, to the publisher's discredit, their comments which accompany the book focus on the stereotyped notions of blindness that suggest failure and lack of success. For example, they say: "Whistling In the Dark is a heartwarming story of Fred Lowery, a talented musician whose achievements are all the more remarkable because he is blind. The book recounts his courageous struggle to overcome the handicap of blindness..." The forewords by Art Carney and Harry James tend to reflect a similar attitude. However, Mr. Lowery's anecdotes and memories make entertaining reading.

Unlike most accounts of a successful blind person, Mr. Lowery and his co-author John McDowell maintain a tone that generally is free of either pathos or amazement. Apparently they both recognize that they are telling the story of a skilled musician with a unique talent (Lowery can whistle two notes at the same time) whose career coincided with the Big Band Era—who happens to be blind. In fact, Mr. Lowery maintains that he resented and resisted efforts to capitalize on his blindness as a means of creating or expanding career opportunities. Only when faced with the options of working with a band as The Blind Whistler or not working at all (an "offer" made when he joined the Horace Heidt band in 1938) did he relent. And,

not surprisingly, the name stuck.

Stylistically, Whistling In the Dark tells Mr. Lowery's story in a matter-of-fact, chronological fashion. He begins his autobiography as most of us would (and likely did when required to write one for an English or history class somewhere during our school years): "I was born in the little town of Palestine in the Piney Woods area of East Texas on November 2, 1909, the fourth and last child of William and Mary White Lowery. I have no recollection of my birthplace or my parents or of the sighted world into which I was born, for I lost my home, my mother and father, and most of my eyesight before I was two years old." Mr. Lowery goes on to tell of his upbringing by his widowed grandmother and bachelor uncle and his life at the Texas School for the Blind. Many Monitor readers likely will find his residential school experiences familiar—sometimes pleasantly so, sometimes comically so, and sometimes painfully so. Nearly every blind person who attended a residential school will recognize—not by name but by attitude—the school superintendent, a blind man Lowery describes as an unsuccessful concert singer" ... completely convinced that the blind should be discouraged in all the ambitions he thought were doomed to failure in the sighted world." The account of the fierce conflict between this superintendent and Lowery's sighted music teacher who encouraged him to develop his whistling talents adds an interesting, although at times melodramatic, theme to Lowery's story. Eventually, Lowery left school before graduating when the superintendent forbade the teachers and students to encourage his whistling talent.

Lowery's professional career started on an early morning variety show over Dallas radio station WFAA in 1931. From that exposure, he got numerous local personal appearances and his first experience touring as part of a musical group. In 1934 Lowery headed for New York City to make the "big time." There his first professional break was an appearance on the Rudy Valley "Variety Hour" carried by the NBC Radio Network. However, Lowery's greatest help came in the form of a banker who befriended him and introduced him to a wealthy, well-connected benefactor, one of the "39 widows of the Plaza Hotel." She in turn introduced him to orchestra leader Vincent Lopez who eventually made Lowery a headliner with his band from 1935 to 1938. In 1938 Lowery moved to the Horace Heidt Band. When the Big Band Era waned and the Heidt band broke up in 1945, Lowery put together a small show and went on the road on his own. Later, he and his wife served as hosts at an Indianapolis night club while he also worked at a radio station; but the lure of performing and touring again called, and he and his wife ventured out on the school assembly circuit. While the book is not entirely clear on the issue, the

impression is that Mr. Lowery now has retired from performing but remained professionally active at least until he was 66 years old.

Whistling In the Dark is thankfully short on philosophy and pathetically amusing anecdotes dealing with Lowery's blindness. (While there are some of the latter, they do not overwhelm the basic narrative.) Only occasionally does Lowery lose control over what appears to be an inclination toward genuine modesty. Because of the very nature of Mr. Lowery's talent, his story reinforces one stereotype about blindness, and some of the incidents he recounts as though they stemmed from his lack of eyesight really developed because he lacked proper training and positive encouragement. However, this is not like many books about which Federationists emphatically say "I wish it had never been written!" Most of us who read it probably will say something like "I enjoyed it, but I wish he had left this incident out or told about that incident in a different way;" or "I wish he had recognized and explained how that incident reflects a problem arising from a negative attitude about blindness rather than a problem arising from lack of eyesight."

## BUDGET OF THE NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED

by Duane Gerstenberger

In February of this year Mr. Frank Kurt Cylke and members of his staff visited the National Center for the Blind in Baltimore. They toured the

facilities, and we discussed a wide range of matters. Among other things, Mr. Cylke read to us the NLS budget for fiscal 1983 and the proposed budget for

fiscal 1984. I wrote the items as he read them, and I believe they are accurate. However, I did not receive the

material from him in writing but only verbally:

|                                      | FY 1983             | FY 1984             |
|--------------------------------------|---------------------|---------------------|
| Travel .....                         | \$100,800           | \$106,800           |
| Attendance at meetings .....         | 4,300               | 4,500               |
| Local travel .....                   | 285                 | 285                 |
| Transportation of materials .....    | 45,000              | 45,000              |
| Postage .....                        | 75,000              | 75,000              |
| Telephone .....                      | 35,000              | 35,000              |
| Long distance telephone .....        | 71,000              | 71,000              |
| Teletype .....                       | 8,000               | 8,000               |
| Equipment rental .....               | 24,800              | 26,500              |
| Printing & publications .....        | 1,205,625           | 1,265,925           |
| Printing forms .....                 | 40,000              | 42,000              |
| Offset reproduction .....            | 51,000              | 51,000              |
| Photocopy .....                      | 60,000              | 66,000              |
| Public education .....               | 260,734             | 260,734             |
| National bibliographic service ..... | 20,377              | 20,377              |
| Inventory control .....              | 100,000             | 100,000             |
| Multistate Centers .....             | 665,000             | 738,904             |
| Mailing list maintenance .....       | 450,000             | 450,000             |
| Tuition & training .....             | 10,700              | 12,500              |
| Repair of office equipment .....     | 50,000              | 53,500              |
| Research & demonstration .....       | 375,000             | 375,000             |
| Data Base Service .....              | 90,000              | 98,000              |
| Office supplies .....                | 20,700              | 22,300              |
| Music .....                          | 399,413             | 434,213             |
| Testing equipment .....              | 100,000             | 100,000             |
| Replacement of machines .....        | 7,473,888           | 7,473,888           |
| Recorded books & magazines .....     | 12,991,670          | 13,821,470          |
| Braille production .....             | 3,868,034           | 4,823,634           |
| Print books for production .....     | 28,000              | 28,000              |
| Print books for reference .....      | 20,000              | 20,000              |
| <b>TOTAL</b>                         | <b>\$28,644,326</b> | <b>\$30,629,530</b> |

## WHO ARE THE EXPERTS WHO SHOULD COUNSEL THE PROFESSIONALS

### Comments On Pregnant Women and Blind Consumers

by Jim Omvig

An ancient if foolish proverb says, "When the blind lead the blind all will stumble and fall into the ditch." Apparently the minds of some of the great thinkers of the past were as far out on the issue of blindness as some of the great minds of today. For it was only when the blind began to lead the blind that we started to climb out of the ditch together. In that climb from the ditch we have come together in an organized manner and have shared common experiences, ideas, pooled our thinking and have developed a sound philosophy and a vast body of knowledge on a variety of important issues including what it takes to have a good rehabilitation agency for the blind.

Since March, when we had a Monitor reprint of my Michigan speech on what a "good agency" should be, I have had a variety of interesting and lively discussions on the topic. The most recent of these occurred at our Minnesota affiliate's convention, where we discussed again what the "ideal agency" for the blind should be.

The panel included a Minnesota state agency official who has a deep concern about what is happening to blind persons and who, therefore, is vitally interested in and a supporter of the National Federation of the Blind. He began his presentation by saying that the topic of

what the ideal agency should be is a very difficult one. He went on to describe a variety of problems but did not address the issue of what the ideal agency should be; he just maintained that it was a difficult topic.

In my presentation, I told the previous speaker that I do not regard the topic as difficult at all. In fact, it is simple, well known, and clear cut: the best structure is known; the proper philosophy is known; what should be taught and who should teach it are known; and what an agency might do to a blind person that is harmful rather than helpful is known. In other words, the "ideal" has been tried and tested, and it works. (Since my views on this subject appear in the March, 1983, Monitor I shall not repeat them here.)

I went on to say, however, that while the topic under discussion is not difficult, there is a different question which is the real one and which is difficult: "How can we get the professionals who run the agencies to learn and understand the data which already exists and to use this previously tested information in the programs which they administer?"

At this point the discussion shifted from the ideal agency topic to the question of consumer input and I presented an analogy which, while a little fanci-

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ful, is precisely on target.

Let us assume, I said, that you had a group of doctors (gynecologists) who decided to gather the best data available on what techniques and medications are most effective during childbearing—"Should we recommend anesthesia, natural birth, saddle blocks or underwater birth?"

Assume that these doctors wish to provide the best service possible to their patients and also assume that they are a remarkable group—completely free thinking and open minded, no bias, no prejudice, no vested interests to protect, no axes to grind, no political considerations to cloud the purpose and no ego problems with the accompanying feelings of superiority and condescension. Now wouldn't it be grand to encounter such a group?

This enlightened if unusual group would have various choices to make in deciding how best to acquire the desired information. First, they could simply discuss the issue among themselves and reach a consensus, or they could take a vote. But this process would give only a limited view based upon their own attitudes and experiences.

They could put the question to the professors in the medical schools. While some new thinking might be forthcoming, for the most part the professors would be the very people who had given the doctors their current attitudes.

One enlightened doctor might say, "Well, then, let's ask the man on the street." To which another doctor, probably a woman, might reply, "Why ask men? They haven't had babies! They don't know anything about it! I think we should ask women!"

Some member of this enlightened group

would soon see the next logical step and say, "But you can't ask just 'any' woman either if you want the best information. Many women have never had babies. I think the only real source of valid information will come from those women who have had babies and who have experienced the kind of service which we have provided. It won't do simply to gather opinions when knowledge based upon actual experience is available."

And here it might take time and lengthy discussion to move beyond this plateau to arrive at the final step of this chain of logic. Finally, the real thinker in the group, probably the woman, would say, "I don't think it's enough simply to raise the question with women who, while they have received our services, remain isolated. As individuals many women have never really thought about what is best—they just let what happens to them happen. And many only know of their own experiences and have no familiarity with the methods and procedures which they have not experienced. Many times, because of this limited experience, such women would not even be aware of the various alternatives which have been tried." At this point we could have a breakthrough. Another thinker might go on to say, "I think I have it! If we really care about doing what is best for our patients, we can't seek advice from men, we can't raise the issue with women who have never had babies, and we can't even turn to just any woman who has. The answer for us is to find a group of women who have borne children and who have also joined together to discuss issues concerned with motherhood and childbearing. By bringing together those women who have experienced a variety of procedures

into a group where the question is freely and openly discussed and debated, a body of knowledge would surely exist based upon the best thinking of those who have received our services in the past. This group would know best what our services should be for our patients who will bear children in the future."

And, finally, another doctor might say, "Well, you must be aware of the existence of the National Federation of Mothers Concerned with Childbearing! They have been around since 1940, but I had always been told that I shouldn't pay much attention to what they have to say—after all, they are just mothers, not professionals; what could they know? But after our discussion of today I am all for talking to those organized women. I am convinced they could give us the best possible data!"

End of analogy; end of parallel.

I am in no sense suggesting that blind persons receiving services from agencies for the blind are patients. Far from it. We are simply ordinary human beings who may be in need of proper training if we are to achieve success and fully participate in life.

As it is with expectant mothers, so it is with the blind. If you are the professional who has an honest desire to provide the best possible assistance to the blind persons whom you would serve, you would not simply discuss the issue in a meeting of professionals and arrive

at a decision. You would not seek counsel from your college professors or from sighted persons on the street who have no knowledge or experience. You would not seek counsel from blind persons who have never received services, and you would not put much stock in the advice you would receive from blind persons who had received services but who were limited, isolated, and lacking in broad knowledge and experience.

No, if you truly had an open mind and an honest desire to acquire the best possible information, you would go to the source which possesses a body of knowledge based upon actual experience and the pooled thinking of vast numbers of individuals—the organized blind, the National Federation of the Blind.

The information exists and it works! Wouldn't it be a tremendous breakthrough in the field of work with the blind if we were to encounter a remarkable group of professionals—completely free thinking and open minded, no bias, no prejudice, no vested interests to protect, no axes to grind, no political considerations to cloud the purpose, and no ego problems with the accompanying feelings of superiority and condescension.

I suppose it will be a long time before we who are blind encounter such a remarkable group as a group. However, as individuals, more and more professionals are coming to understand where they can best receive their counseling.

## NAC ON THE SLIDE IN OHIO

Recently, the Braille Monitor received a very interesting letter from Cleveland, Ohio. The writer described a situation which, only a few years ago, would not have been believable. However, times are changing, especially for the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC). The letter says in part:

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Cleveland, Ohio  
April 7, 1983

NAC has yet another egg on its face. The Commission on Accreditation of Rehabilitation Facilities (CARF) has given a full three-year accreditation to the Cleveland Society for the Blind, the maximum period for which CARF can grant accreditation. A team from CARF was in Cleveland last November for four days for the onsite visit at the Society. It was announced recently that CARF has accredited the Society.

In 1979 a visitation team from NAC visited the Society to reaccredit it. In 1980 NAC reaccredited the Society for what at that time was said to be three years only, the term of accreditation to end at the close of 1982. Recent NAC literature shows the Cleveland Society accredited until 1985. It is said that in some recent cases NAC has started extending its accreditation period without onsite visits, self-study, et cet-

era. In some cases, it is reported, reaccreditation can be had just on the strength of self-study and other papers filled out by the agency or school asking for reaccreditation. The reason is lack of funds to send an onsite team.

The accreditation of the Cleveland Society by CARF is of considerable significance. Mr. Cleo Dolan, Executive Director of the Cleveland Society for the Blind, was one of the early supporters of NAC. He was bitter against those who questioned his stand. The Youngstown Society for the Blind, as well as other agencies and organizations, felt his wrath when they applied for CARF accreditation instead of NAC accreditation.

This goes to show that things can change and that NAC can be thrown out, even by its most ardent supporters. They are questioning NAC standards and policies. The American Foundation for the Blind created NAC and other groups to keep the blind in their places. They are supposed to know what is good for the blind, and they alone are supposed to be able to set standards for agencies and schools. In truth, they and their interlocking boards work for but one purpose, and that is to keep the blind in their places. You can find out for yourself if what I am writing is true. Contact your Ohio chapter, and they will confirm that the Cleveland Society is now accredited by CARF, not NAC.

Even though we do not always agree with CARF, at least in Cleveland we are free from NAC. CARF is the only organi-

zation that can break the monopoly of the American Foundation for the Blind and its creatures. More and more agencies and schools should be encouraged to get CARF and other types of accreditation whenever and wherever accreditation is required. Schools and agencies in those states where no regulations have been established to require national accreditation should be encouraged to resist it. Some states are developing their own accreditation standards. This should be encouraged. This is the only way we can get rid of the American Foundation for the Blind attempted monopoly.

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When the Braille Monitor received this letter, we checked our sources in Ohio, and they said that their best information indicated that the substance of the letter was true. Indeed, there are reports that one top level aide to Cleo Dolan (a Mr. Walter Bonninger) was fired because he revealed to the staff of the Cleveland Society for the Blind too many of the details of the report of the NAC review team. It is said that there were accusations of distrust and a rift between Mr. Dolan and rank and file staff members of the Cleveland Society.

Regardless of the accuracy of the individual items surrounding the Cleveland Society-NAC controversy, one thing seems clear: The NAC empire is crumbling—not only from without but also from within. Who will be the next to defect? Where will the next falling away occur:

ceived the May issue of NAC's magazine, the STANDARD-BEARER. It confirms our report that the Cleveland Society for the Blind has officially withdrawn from NAC, and it also shows the consternation and fear which NAC now feels as it staggers from increasing desertions and defections. We herewith reprint the article from the May, 1983, STANDARD-BEARER entitled "Competition From CARF."

Observe that NAC tries to take credit for having blind consumers on its board and for having consumer input. Apparently NAC has no shame at all and a very convenient memory. It had virtually no blind people on its board until the National Federation of the Blind compelled it to accept them. Its board meetings were secret and held behind closed doors until members of Congress, federal officials, and the blind insisted that a policy of openness be adopted. It is a matter of record that this was the doing of the National Federation of the Blind. Even then (and still today) NAC's announced policy of openness is a misrepresentation and a sham. There is no openness at all but only pretense. True, the board meetings are open, but they are now mere window dressing. The real business of the organization is transacted by the "Executive Committee," which still meets in secret and behind closed doors.

Also notice that NAC attacks CARF by making its usual worn out charge (the one which it makes against everybody it disagrees with or does not like): CARF is behaving "unprofessionally" and "unethically." One would think that even NAC would blush and hide its face when speaking of ethics. The record is clear on that one, too. But—NAC is, of

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The preceding parts of this article were ready for publication when we re-

course, just the same old NAC: unprofessional, unethical, not promoting quality services, not promoting meaningful standards, engaging in politics, and harming the blind.

Finally, observe that NAC's President, Otis Stephens, laments that: "What we worked so hard to achieve must not come undone." Well, Dr. Stephens, it is coming undone. It has been for a long time; and thank God, the end is apparently in sight. Here is the article from the May, 1983, NAC STANDARD-BEARER:

### **Competition From CARF**

The Commission on Accreditation of Rehabilitation Facilities decided in December 1982 to consider applications from agencies and schools that specialize in serving blind and visually handicapped persons. This action places CARF in direct competition with NAC for the first time.

Subsequently the Cleveland Society for the Blind had four of its programs accredited by CARF and notified NAC of its withdrawal from accredited status and membership.

CARF's action ruptures its longstanding accord with NAC. Designed to foster a "cooperative and beneficial working relationship," the accord included a provision that "in their operations the organizations do not become duplicative

or competitive."

The action undermines the accepted premises held since COMSTAC that agencies and schools for the blind should have their own specialized standards and accrediting process and that all of an organization's administrative and service programs should be included in that process. The CARF decision also offends the principle that blind or visually handicapped persons should participate significantly in standard-setting and accreditation activities.

CARF's decision may have serious consequences for NAC and the entire blindness system, according to President Otis H. Stephens. Commenting on these new developments, he remarked: "Competition between essentially different kinds of accrediting agencies goes against established professional and ethical practice. The entire blindness field should be aware of the seriousness of this threat. What we have worked so hard to achieve must not come undone."

On a brighter note, Dr. Stephens continued: "I am pleased with the support NAC has received from leaders in the field. I am convinced that the field will pull together to protect its own standards and accreditation system. CARF simply cannot provide the comprehensive evaluations of agencies and schools required in this complex field."

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## ACB BLOWS ITS TOP, NAC IN DISARRAY, CARF UNPERTURBED

by Kenneth Jemigan

Oral Miller styles himself the "National Representative" of the American Council of the Blind. Among other things, he frequently writes articles for the BRAILLE FORUM, which is the ACB's official publication. Neither the wit of Mr. Miller nor the content of the FORUM is ordinarily of such a nature as to merit attention from the BRAILLE MONITOR. However, an exception has occurred.

In the April, 1983, edition of the FORUM we are treated to an article by Mr. Miller entitled "Accreditation Without Consumer Input Equals Taxation Without Representation." This rather imposing title is the springboard for a bitter attack upon the Commission on Accreditation of Rehabilitation Facilities (CARF). It is also the means (as the modern psychological lingo would have it) of permitting Mr. Miller to "vent" his frustrations and express his "concerns" about the crumbling fortunes of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC). The substance of it all can be told in short order. NAC thought (or said it thought) it had an agreement with CARF. NAC was to have a monopoly on the accreditation of agencies doing work with the blind. The American Foundation for the Blind-NAC-ACB combine was in the process of using every tactic it could think of to try to force public and private agencies to

seek accreditation or risk being accused of being substandard, and when accreditation was sought, there was to be only one show in town—NAC. CARF was to keep hands off and refuse to accredit any agency doing work with the blind; the agencies were to be pressured to accredit; and the monopoly was to be complete.

Then, last year, the Cleveland Society for the Blind decided to jump ship. It didn't like the way NAC was behaving, so it sought CARF accreditation instead. NAC tried to get CARF to back off. CARF wouldn't. The ACB (through its National Representative, Mr. Miller) tried to get CARF to back off. CARF wouldn't. Mr. Miller and the BRAILLE FORUM now bluster and threaten and say they won't stand for it, but the blustering and the threats cannot conceal their fear and desperation. Just the opposite.

Elsewhere in this issue, we are reprinting Mr. Miller's article. First, I want to say a few things about it. Mr. Miller refers to CARF as the "Johnny-come-lately in the blindness accreditation field." For the record CARF was established in 1966—just about the time NAC was coming into being, or maybe a little before.

The more I studied Mr. Miller's article, the more I wondered about some of his statements, so this morning (May 31) I called Mr. Alan Toppel, the Executive Director of CARF. As one might imagine, Mr. Toppel's memory of what has been

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happening differs somewhat from Mr. Miller's. For instance, Mr. Miller says that in 1973 NAC and CAREF reached "an accord," which (in effect) provided that CAREF would not accredit any agencies primarily dealing with work with the blind and NAC would not accredit agencies serving other disabilities. Mr. Toppel said that there was a very strong suggestion from a federal official in the early seventies that CAREF and NAC arrive at an understanding and that finally a statement was drawn up.

(I might insert that it is not difficult to guess from what source that "strong suggestion" emanated. It probably came from federal rehabilitation officials before NAC lost its standing with them and also its federal grant. It is one more evidence of the very kind of pressure and politics that have no place in truly objective, quality accreditation.)

But back to my conversation with Mr. Toppel: He said that CAREF's policy is today what it has always been. CAREF will consider for accreditation any program which meets its standards. As he put it: NAC is disability oriented while CAREF is program oriented. Mr. Toppel said that there was never an agreement that CAREF would refuse to consider an agency for accreditation simply because that agency worked with blind people. I got the idea that back in the early seventies there was enough pressure from somebody in the federal establishment that CAREF felt it had to make a gesture and write a generalized statement. Mr. Toppel said that CAREF has always been willing to consider for accreditation any program which comes within the range of its standards. From what he told me, I think this would include any rehabilitation program for

the blind, any workshop, any residential school for the education of blind children, any library, or any other program that is oriented toward rehabilitation and self-care and self-support for blind people. In other words NAC does not have a monopoly. There is a viable and respectable alternative, and when agencies are impelled (for whatever reason) to seek accreditation, they should consider CAREF instead of the politically manipulated, subjective, discredited, caricature called NAC.

It will be observed that Mr. Miller makes a number of preposterous claims in his article. He says, as an example, that the American Council of the Blind is "the largest organization of blind and visually impaired people in the United States." Nonsense! Go to the next ACB convention, and compare the attendance with ours. Then decide.

Mr. Miller makes other noteworthy statements. For example, he takes the usual NAC line of claiming that anybody who doesn't want to be accredited by NAC is trying to avoid meeting (perhaps is even unable to meet) stringent standards. His comments should be read in the context in the article we are reprinting to see whether we are dealing fairly, but here is what he says:

"A few years ago, a multi-purpose agency for the blind (he is referring to the Cleveland Society for the Blind) was re-accredited by NAC for less than the maximum period. The agency subsequently stated its intention to apply for CAREF accreditation rather than meet the rigorous requests of the Commission on Accreditation of the National Accreditation Council. NAC representatives discussed the situation with CAREF representatives during early 1982...."

Let me make it clear that we are not here defending the Cleveland Society for the Blind but only showing that NAC's accreditation is political rather than professional as the NAC supporters claim. It is not difficult to imagine what kind of things the NAC representatives said when they "discussed the situation with CARE representatives during early 1982," nor is it difficult to believe the persistent reports that NAC offered to extend the accreditation of the Cleveland Society for another two years without any further action on the part of the Society if it would only consent to stay in the fold. The record of political manipulation and intrigue, as opposed to "professionalism," in NAC's behavior is overwhelming and unanswerable. The entire history of NAC is a disgrace to the American Foundation for the Blind and the NAC board, as well as a serious disservice to the blind of the nation.

In his article Mr. Miller says that he has not received the standards and procedures requested from CARE. He says he has received a call from the Executive Director of CARE indicating that the requested items will be sold to ACB as soon as a decision is made as to how they can be put into Braille or recorded form. Mr. Miller makes quite a production of the fact that CARE is obligated to provide all of its standards and procedures to him either in Braille or recorded form, and then he says to Mr. Toppel (as if it has something to do with the matter): "If you cannot provide me with the requested information, please let me know at your early convenience so I can arrange to meet with you to discuss further our concern over the recent decision of the CARE Board of

Directors." Mr. Toppel says that the material is readily available to Mr. Miller in recorded form and that there was no recent decision or change of policy on the part of the CARE Board of Directors concerning CARE's willingness to consider for accreditation programs dealing with the blind. CARE has always been willing to do it.

Moreover, Mr. Toppel says that he told Mr. Miller during their telephone conversation that both he and the Chairman of CARE's Board would be in Washington for an entire week this spring and would be glad to meet with Mr. Miller. He says that Mr. Miller indicated that his calendar would not permit it. Mr. Toppel says that he then told Mr. Miller that he would be glad to meet with him at another time of Mr. Miller's choosing. Perhaps I do not need to add that Mr. Toppel reports that Mr. Miller has made no further request for a meeting. In other words we are dealing with the same old shabby ACB-NAC tricks which we have always had to deal with.

I told Mr. Toppel that I did not know whether CARE does a good or bad job in the accreditation process, but that I believe they do not mix politics and accreditation and that, so far as I know, they do not try to pressure people. This contrasts sharply with the behavior of NAC. I told him that we were not asking CARE to become part of the political process but that I, for one, hoped agencies seeking accreditation would turn to CARE instead of NAC. We have had more than enough politics and devious behavior in the name of accreditation already. We don't need more.

Mr. Miller's article speaks for itself. The anger, the frustration, and the recognition of NAC's failure are all

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there. Nothing which I might say could condemn the ACB and NAC as much as Mr. Miller's own comments and admissions.

Let him speak for himself. Let the reader decide.

## ACCREDITATION WITHOUT CONSUMER INPUT EQUALS

### TAXATION WITHOUT REPRESENTATION

by Oral O. Miller  
National Representative  
American Council of the Blind

(Reprinted from the BRAILLE FORUM, April, 1983.)

If you think the subject of accreditation of schools and agencies providing services to the blind has evoked vigorous discussion to date, try to imagine the amount of confusion that would be injected if an accrediting organization with little or no prior experience with the blind were to come along and start offering quick and easy accreditation to schools and agencies serving the blind! Well, something like that is about to happen, and if it takes place, it will surely result in a decrease in the quality of services available to the blind.

Although one organization of the blind has chosen for political reasons to condemn the only accrediting organization which has the specialized competence to accredit schools and agencies providing services to the blind, much of the progress that has been made in recent years is attributable to compliance with the standards of that organization, the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC). Further, one of the main reasons for the quality of

these standards has been the considered input of knowledgeable service consumers.

The American Council of the Blind has never insisted that the present accreditation system is perfect, and over the years ACB representatives have communicated their concerns to NAC officials, who have listened and responded favorably. For example, during the 1982 NAC membership meeting, an ACB spokesman strongly recommended changes in NAC reimbursement procedures so as to increase consumer involvement in the accreditation process, and the NAC professional staff is now looking seriously into ways of implementing those suggestions.

But what about the "Johnny-come-lately" in the blindness accreditation field? Since the 1960's, the premise has been accepted that agencies and schools for the blind should have their own specialized accreditation process; that the entire agency or school versus individual departments or programs should be examined during that process; and that

blind and visually impaired people should participate significantly in standard-setting and accreditation activities.

Accordingly, in 1973 NAC reached an accord with the Commission on Accreditation of Rehabilitation Facilities (CARF), providing, in pertinent part, that: "NAC and CARF should maintain a cooperative and beneficial working relationship. The intent of this cooperation is threefold: (1) to enhance understanding between the organizations; (2) to facilitate improvements in the system of both organizations; and (3) to assure that in their operations, the organizations do not become duplicative or competitive." The accord was effective until recently because each accrediting organization routinely acknowledged the uniquely different origins, constituencies, and capacities of the other.

A few years ago, a multi-purpose agency for the blind was re-accredited by NAC for less than the maximum period. The agency subsequently stated its intention to apply for CARF accreditation rather than meet the rigorous requests of the Commission on Accreditation of the National Accreditation Council. NAC representatives discussed the situation with CARF representatives during early 1982, but the CARF representatives said they were uneasy about refusing to consider an application for accreditation from any agency. CARF was really saying that it had decided to move away from the 1973 accord and to evaluate for the first time programs within an agency whose primary purpose is to serve blind and visually impaired people.

By letter dated November 29, 1982, to Mr. John D. Kemp, Chairman of the Board of Trustees of CARF, I, as the National

Representative of the American Council of the Blind, expressed our position as follows:

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Dear Mr. Kemp:

The American Council of the Blind, the largest organization of blind and visually impaired people in the United States, has long supported the concept of standards and accreditation in the field of services to the blind and other disabled persons. Members and leaders of the American Council of the Blind have been associated with the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC) since its inception, and as a consumer organization we have worked closely with NAC in the development of specific standards designed to meet the specialized needs of blind and visually impaired persons.

We commend the work of the Commission on Accreditation of Rehabilitation Facilities and believe strongly that both blind and other disabled people are best served if both accrediting bodies work in a complementary fashion, thereby strengthening the accreditation movement. We are gravely concerned that the accreditation movement will be diluted if agencies which serve primarily blind and visually impaired persons are permitted to seek accredited status through CARF rather than NAC. The reverse is also true, and NAC's Commission on Accreditation has in the past refused to accredit agencies whose primary function was not to serve blind and visually impaired persons. With respect to such agencies, i.e., agencies which serve a

cross-disability clientele and whose primary function is not to serve blind and visually impaired persons, CARF accreditation would seem to be entirely proper.

We must not allow a situation to develop whereby an agency serving blind and visually impaired persons can, in effect, choose from which accrediting body it desires to seek accreditation. To permit such a choice cheapens the entire accreditation movement and fosters needless friction and competition between CARF and NAC.

The American Council of the Blind further believes that NAC is uniquely qualified by experience and expertise to develop specialized standards and to administer an accreditation system for agencies serving blind and visually impaired persons. Programmatic standards developed by NAC, in consultation with consumer organizations such as the American Council of the Blind, in such areas as mobility, skills of daily living, and production of reading materials, are by necessity unique to agencies serving blind and visually impaired persons. The NAC standards treat these areas with a high degree of specificity because of the complexities in delivering these specialized services. We believe that our constituency is best served by the NAC standards, and that services to blind and visually impaired persons would suffer if agencies were merely required to meet the more generalized CARF standards in these areas.

For these reasons, we urge you and the CARF Board to decline any applications from agencies whose primary function is to serve blind and visually impaired people. Similarly, we urge the NAC Commission on Accreditation to continue its

present policy of refusing to accredit agencies who serve the blind and visually impaired persons only as an incidental rather than a primary function.

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Subsequent events may be gleaned from my letter of February 7, 1983, to Mr. Kemp of CARF, as follows:

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Dear Mr. Kemp:

On November 29, 1982, I ... wrote to you urging that the Commission on Accreditation of Rehabilitation Facilities (CARF) resist the temptation to accredit agencies or service programs relating primarily to blind people. ...

It is an understatement to say that I was disappointed when I learned shortly after your last board meeting that CARF had decided to begin accepting applications for accreditation from agencies serving blind people primarily. Frankly, I was not aware that a miracle of sufficient magnitude had taken place to enable CARF's standards to cover services for the blind. Accordingly, I am asking you to send me at your early convenience a copy of all CARF standards that may be applied to services for the blind, plus a set of your operating procedures concerning the accreditation process. Further, please send me a copy of the CARF procedures concerning the manner in which significant and responsible consumer input is requested, received and implemented in the adoption or modification of standards. Further, inasmuch as your standards and/or procedures would presumably involve communication with

blind people, I shall appreciate receiving the above-mentioned material in Braille or recorded form.

If my request for this material in these forms surprises you, you have just learned one of your first lessons about the adoption and application of standards regarding services to handicapped people, who are quite capable of speaking and making decisions for themselves. If you cannot provide me with the requested information, please let me know at your early convenience so I can arrange to meet with you to discuss further our concern over the recent decision of the CARF Board of Directors.

To date, I have not received the standards and procedures requested in my letter, although I have received a call from the Executive Director of CARF indicating that the requested items will be sold to us as soon as a decision is made as to how they can be put into Braille or recorded form. This is the organization that holds itself out as having the competence to accredit schools and agencies serving the blind and visually impaired?

## A REPORT ON THE MEETING OF THE ASSOCIATION OF RADIO READING SERVICES

by Fred Schroeder

(Note: Fred Schroeder is the President of the National Federation of the Blind of New Mexico and Coordinator of Low Incidence Programs for the Albuquerque, New Mexico Public Schools.)

On Tuesday, May 17, 1983, I attended the ninth annual convention of the Association of Radio Reading Services (ARRS) in Phoenix. There were approximately 75-100 people in attendance.

The morning opened with a presidential report delivered by Rosie Hurwitz who is the director of the Kansas Audio Reader Network in Lawrence, Kansas. Next, followed an in-depth technical discussion on the type of equipment which is best

suited for a radio reading service.

Later that afternoon, Senator Barry Goldwater addressed the conference by telephone. Toward the end of the afternoon Senator Walter Mondale stopped in and addressed the group briefly.

The afternoon also included a panel discussion entitled, "Let's Get Acquainted with Organizations of and for the Blind." The groups were: American Association of Workers for the Blind (AAWB); American Council of the Blind (ACB); American Foundation for the Blind (AFB); Affiliated Leadership League (ALL); Blinded Veterans Association (BVA); National Federation of the Blind (NFB); National Industries for the Blind (NIB); and National Retinitis Pigmentosa

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Foundation (NRPF). Most of the presentations were fairly general and informational in content. You may be interested to know that at least three ACB members were scheduled as presenters. Mr. Grant Mack represented the ACB, Dr. Robert McLean (Vice-President of the American Council of the Blind) represented NIB and Mr. Durward McDaniel was scheduled to represent ALL but was unable to attend. Therefore, Dr. McLean also spoke on behalf of ALL. During Mr. Mack's presentation he stated (I wonder if he thought anybody would really be taken in) that the ACB is the largest organization of the blind and went on to take a potshot at our fundraising practices. He stated that rather than solicit money from the general public the ACB had chosen to operate a business. He stated that their thrift shops are netting them nearly \$1 million a year and that the ACB is the only organization that is in full compliance with the requirements of the Better Business Bureau. [In this connection (see Braille Monitor for March, 1980; and July-August, 1980) I wonder if he has forgotten the violations of the law in Kansas.]

In my presentation I began by conveying the greetings of President Jernigan and briefly describing the history of the Federation. I went on to describe our JOB program, our efforts in the area of research such as assisting with the development of the Kurzweil reader, advocacy such as the recent case involving a blind mother in California, legislation, our work with blind children and the parents of blind children, our scholarship program, aid we provide to the newly blinded, our public education efforts, and our aids and appliances program. Throughout my talk I applied

the principles of Federation philosophy in the hope that those listening would come away understanding not only what we do, but why we engage in all of these activities.

As the organizations represented were introduced in alphabetical order, my talk was immediately followed by Dr. McLean discussing NIB. Since the portion of my talk dealing with legislation made reference to the reforms we are seeking in the Javits Wagner-O'Day Act and our efforts to secure minimum wage protection for blind shopworkers, Dr. McLean addressed these areas quite specifically. He talked at length about the need for workshops to be able to pay workers according to their production. He stated that most shopworkers produced at too low a level to be competitive in private industry and therefore, it is not feasible for the shops to pay the minimum wage. Furthermore, he outlined a fascinating concept of incentive, which Orwell would certainly have categorized as "double think." Dr. McLean stated that if two workers are side by side on a production line and one is producing at a high rate and the other at a low rate and if both are paid the same wage, then there is no incentive to be productive. Presumably, we are to believe that workers are encouraged to be productive by a system which allows them to be paid at a fraction of the amount generally considered to be a minimum level throughout society.

After the meeting adjourned, I had an opportunity to speak with a number of the conference participants and to circulate Federation literature. None of the other organizations' representatives brought printed materials for distribution.

## DOG GUIDES IN HOSPITALS

The question has frequently been raised as to whether blind persons have the right to use their dog guides in hospitals. Recently the office for Civil Rights of the Federal Department of Health and Human Services made a ruling on this matter. The ruling resulted from a complaint initiated by Michael and Fatos Floyd. As Monitor readers know, Michael Floyd is the President of the National Federation of the Blind of Oklahoma. Here are the pertinent letters:

Tulsa, Oklahoma  
May 16, 1983

Dear Dr. Jernigan:

FYI:

Just wished you to have a copy of the letter of the findings we just received from the U.S. Department of Health and Human Services (HHS) Office of Civil Rights. We are pleased that after eleven long months the results were as we hoped and expected. We also hope that our efforts will benefit all blind persons around the country. We are grateful to the Federation for the courage we found to stand up for our rights. None of the impostors who claim to advocate for the blind would take such action. It is another reason why the NEB. The letter enclosed is fairly self-explanatory.

Sincerely,  
Michael and Fatos Floyd

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May 6, 1983

Dear Ms. Floyd:

The Office for Civil Rights of the Department of Health and Human Services has completed its investigation of the complaint you filed against St. Francis Hospital alleging that the hospital discriminates against all blind persons by "the blanket policy of the hospital to exclude all blind persons accompanied by dog guides from access to the hospital."

The Office for Civil Rights has the responsibility for assuring that recipients of federal financial assistance from the Department of Health and Human Services comply with Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation, Title 45 of the Code of Federal Regulations, Part 84 (45 C.F.R. S84). St. Francis Hospital is a recipient of federal financial assistance.

Based on our analysis of the information obtained during our investigation, we have concluded that St. Francis Hospital has discriminated against blind and visually-impaired persons on the basis of their handicap by establishing criteria or procedures which limit blind or visually-impaired persons from enjoying the same rights and privileges as others because they have chosen dog guides as auxiliary aids, a violation of

45 C.F.R. §84.4(b) (4)(i). Section 84.4(b)(4)(i) states: "A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap...." The determination that St. Francis Hospital is in violation of Section 504 only applies to the issue addressed in this letter.

Our office's policy which interprets 45 C.F.R. §84.4(b)(4)(i) of the regulation is quoted below:

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The basic assumption is that blind or visually-impaired persons must be permitted to use dog guides in all situations except where it can be clearly shown that the presence or use of a dog guide would pose a significant health risk or where a dog's behavior is disruptive. A finding of violation can be made where a recipient has a blanket policy of exclusion, or excludes any individual dog guide, without a clear showing that the presence of the dog guide poses a significant health risk or disruption to the recipient's program....

A dog guide is an auxiliary aid that many blind or visually-impaired persons use to permit them independent mobility. Any refusal to admit a visually impaired person to a facility because that person is using a dog guide is, in effect, prohibiting the use of an auxiliary aid. There is no question in this situation of the recipient having to provide the auxiliary aid, nor is the matter of whether the aid is or is not appropriate at issue.

What is at issue is the establishment of criteria or procedures that limit blind or visually-impaired persons from enjoying the same rights and privileges as others because they have chosen dog guides as auxiliary aids.

Hospitals, nursing homes or any other health or human services agencies that permit, invite and regularly encourage visitors to their programs may not establish a policy that, in general, prohibits the use of auxiliary aids by handicapped visitors unless it can be shown that the use of the auxiliary aid would endanger others or prevent them from benefiting from the recipient's program.

Unless there is evidence that the presence or use of a dog guide would pose a significant health risk or that the dog's behavior would be disruptive to the recipient's program, the assumption should be made that a groomed and well-behaved dog guide should be permitted to accompany its owner wherever that person goes.

A medically justified showing that the presence or use of a dog guide would pose a significant health risk in certain parts of the hospital can serve as the basis for the exclusion of dog guides from the hospital areas involved. Such areas might include operating room suites, burn units, coronary care units, intensive care units, oncology units, psychiatric units and isolation (infectious disease) areas. In developing the list designating those parts of a facility from which dog guides will be excluded, the recipient must specify the exact areas, and clearly identify them. Where the reason for exclusion of dog guides is not self-evident, the recipient must explain what hazards a dog

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would impose that a human will not. This applies to all areas of the hospital, not just those open to the public.

Only medically qualified personnel should participate in the development of the list, and decide, on a case by case basis in situations not clearly covered by the list, if dog guides may or may not enter areas where questions of risk to patients arise. Administrators, security personnel and admissions clerks should not make those decisions, but may assist in implementing them.

Dog guides may be restricted from rooms of patients suffering from strong allergic reactions to dogs, irrational fears and phobias about dogs, or psychotic or drug related distortions of reality where it is impossible to reassure the patients that the dog is harmless. There may be situations in which a patient with a visitor using a dog guide shares a room with a person to which one of the above circumstances applies. In such instances either person may request and should be granted another room. If a request for a room change is based simply on personal preference, a comparably priced room may be arranged for on a space available basis. If the room change is recommended by a physician for sound medical reasons, the patient changing the rooms may not be charged more if a comparable priced room is not available.

All of the foregoing applies to trained dog guides, which have been maintained as dog guides by their users and are groomed and well-behaved. Individual dog guides which do not meet these criteria may be restricted or excluded for any of the above reasons, the facility should provide a suitable temporary location where the dog can be

secured.

This policy applies primarily to visitors, out-patients, and employees. In the case of in-patients, those who are confined to their beds should ordinarily have no use for dog guides; the dogs in question should not be kept around just for company. Ambulatory patients whose movement within the hospital is sufficiently varied and distant that significant use of the services of dog guides may be made should have the benefit of this policy. The recipient, however, is under no obligation to feed, groom, exercise, or in any other way care for the animals in question.

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It is our responsibility to seek voluntary corrective action through negotiations with St. Francis Hospital. If we are unable to secure an appropriate remedy within 90 days from the date of this letter, we will, within 30 days, initiate formal administrative enforcement action or refer the matter to the Department of Justice for enforcement through the Federal Courts.

In order to correct this violation, St. Francis Hospital must develop a policy pertaining to the use of dog-guides by blind or visually impaired persons within the hospital which complies with the Section 504 regulation and our office's policy interpreting this regulation.

Under the Freedom of Information Act, it may be necessary to release this letter along with related documents in response to appropriate requests. Any such release will be consistent with the limitations of the Privacy Act of 1974, as amended.

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If you have any questions concerning this matter, please feel free to contact George R. Bennett, Division Director, at 214/767-4056.

Sincerely,  
Davis A. Sanders  
Regional Director

## LETTER CAMPAIGN RESULTS IN GOVERNOR'S PROCLAMATION

On May 12, 1983, Governor Robert Orr of Indiana issued a Proclamation declaring May 15 through the 21st White Cane Week in Indiana. This Proclamation acknowledged the role of the National Federation of the Blind and its actions in the Hoosier State. This was a direct result of a letter writing campaign by the Indiana affiliate and the Marion County Chapter in particular, thus proving that a concerted letter campaign can make a difference even in obtaining formal recognition from a less than pro Federation state administration. This is just the latest in a series of actions at the statehouse by the Indiana affiliate.

Back in January the Indiana affiliate worked intensely in the state legislature and managed to get a law passed which reinstated the penalty for denying a person with a dog guide access to public accommodation. The penalty is a fine up to \$500.00.

### STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

#### PROCLAMATION

**To All To Whom These Presents  
May Come, Greeting:**

WHEREAS, there are six million Americans who suffer visual impairment with over one-half million of these citizens declared legally blind; and

WHEREAS, the white cane is an invaluable tool for these visually impaired persons for it permits them to move about with more confidence and, more importantly, with much greater independence; and

WHEREAS, the white cane serves as an extension of its user by providing assurance that the path ahead is clear and safe; it should not be perceived as a crutch; and though deceptively simple, special training and skill are required to assure its effective and safe use; and

WHEREAS, the white cane should also serve to alert the sighted of the special needs of the visually handicapped person and of the importance of exercising simple courtesies which may otherwise be overlooked; and

WHEREAS, observing the pedestrian's right-of-way in a crosswalk by offering to accompany a visually handicapped person across a busy intersection can eliminate the dangers of a hazardous crossing; and

WHEREAS, increased public awareness of the importance of the white cane to thousands of blind and visually handicapped citizens is vital to their inde-

pendence and safety;

NOW, THEREFORE, I, Robert D. Orr, Governor of the State of Indiana, in recognition of the efforts of the National Federation of the Blind, do hereby proclaim the week of May 15-21, 1983, as

#### WHITE CANE WEEK

in the state of Indiana, and urge all Hoosiers to recognize the contributions made by the visually impaired to our society; and to be alert to the many ways in which we can extend simple cour-

tesies which are vital to the quality of their lives.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the State of Indiana, at the Capitol, in the city of Indianapolis, this 12th day of May, 1983.

ROBERT D. ORR  
Governor of Indiana

Edwin J. Simcox  
Secretary of State

#### A DIFFERENT CAUSE

On its death bed poor NAC it lies.  
The blind are in despair.  
With mingled cries and mutual sighs  
NAC and the blind express their care.

A different cause, says NFB,  
The same effect may give.  
Poor NAC it fears that it may die—  
The blind that it may live.

#### LEGISLATIVE VICTORY IN SOUTH CAROLINA

by Donald C. Capps

The National Federation of the Blind of South Carolina is very proud to announce the passage of H. 2142, which is legislation that redefines "visually handicapped pupils" to mean pupils age four or older instead of pupils of legal

school age. This is extremely important legislation. For the first time, four-year-old blind children are eligible to attend the public kindergarten system of the State. It is the twentieth piece of legislation introduced and spearheaded

by the National Federation of the Blind of South Carolina to a successful conclusion, representing a quarter of a century of legislative success on behalf of the state's blind.

While the legislation is very meritorious, its passage was not easy. The House Education Committee was given misinformation by some representatives of the Department of Education concerning an impact study, and this was corrected. The Greenville school district influenced a Greenville County representative to oppose the legislation on the grounds it would cost too much, and we had to overcome this opposition in committee and on the House floor. The same misinformation on the impact study done by the Department of Education was given to the Senate Education Committee and, once again, this misinformation had to be corrected, and we did so.

Once H. 2142 cleared the Senate Education Committee and was placed on the Senate calendar, a Senator not hostile to the bill, but who wanted to tack on a wholly unrelated amendment, would have caused H. 2142 to have gone back to the House where it may or may not have been concurred in, jeopardizing ultimate passage. Senator Rubin, a diplomat of

the first order, was successful in getting his Senate colleague to withdraw the amendment and, therefore, H. 2142 got third reading in the Senate Tuesday afternoon, May 24, and probably will undoubtedly be signed into law by the Governor by the time you read this. Instead of costing a quarter of a million dollars, as indicated by the impact study done by the Department of Education, it has been more accurately determined that the legislation requires only \$50,000 annual appropriation to fund. This is truly significant legislation as it provides a real head start for four-year-old blind children who need to be helped and educated as early as possible.

While the Federation is extremely proud of this legislation, we wish to thank others who were interested in and assisted the Federation. This includes the South Carolina School for the Blind, and Commission for the Blind, as well as individuals actively involved in the education of the blind. The education of blind children is extremely important, and this particular legislation provided a real opportunity for all of us to work together in a commendable manner.

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**GOVERNOR OF MISSOURI PROCLAIMS JULY, 1983,  
NATIONAL FEDERATION OF THE BLIND MONTH**

**PROCLAMATION**

**Office of the Governor  
State of Missouri**

WHEREAS, the 1983 Convention of the National Federation of the Blind will be held in the Civic Center in Kansas City from July 2 through July 9, 1983, and

WHEREAS, the lives of all Missourians are particularly enriched by the leadership and work of Dr. Kenneth Jernigan, President of the National Federation of the Blind; and

WHEREAS, the National Federation of the Blind, since 1940, has worked to integrate blind and visually impaired persons into American society so they are seen as normal, participating citizens, and

WHEREAS, it is commendable that the blind and visually impaired are speaking for themselves with a positive voice through the National Federation of the Blind; and

WHEREAS, the blind and visually impaired—if given the opportunity—become loyal, dedicated employees who are an asset to any employer; and

WHEREAS, the National Federation of the Blind is working throughout the State of Missouri and the nation to help blind and visually impaired persons secure gainful employment for their benefit and that of the state as a whole;

and

WHEREAS, the National Federation of the Blind needs and deserves public recognition and material assistance to carry out its mission in the State of Missouri:

NOW, THEREFORE, I, CHRISTOPHER S. BOND, GOVERNOR OF THE STATE OF MISSOURI, do hereby proclaim the month of July 1983, as

**NATIONAL FEDERATION  
OF THE BLIND MONTH**

in Missouri and urge all citizens and employers in the state to support the work of the National Federation of the Blind.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 19th day of May, 1983.

Christopher S. Bond  
GOVERNOR

James C. Kirkpatrick  
SECRETARY OF STATE

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## REPORT ON THE MEETING OF THE COUNCIL FOR EXCEPTIONAL CHILDREN

by Fred Schroeder

(Note: As noted earlier in this issue, Fred Schroeder is the President of the National Federation of the Blind of New Mexico and Coordinator of Low Incidence Programs for the Albuquerque, New Mexico, Public Schools. It will be observed that, in his report of the CEC meeting, he mentions Dr. Geraldine Scholl. This is the same Dr. Scholl [see BRAILLE MONITOR, May, 1974] who is one of the principal leaders of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, NAC. The NAC people behave in the same manner and with the same tactics of name-calling and innuendo whenever and wherever one finds them. Under the circumstances Dr. Scholl's conduct is not at all surprising.)

The Council for Exceptional Children held its annual conference the week of April 4-8, 1983. The conference was held in Detroit, Michigan, and was attended by approximately 6,000 special educators.

Of major concern is the financial stability of CEC. At the Board of Governor's meeting it was announced that the latest financial audit showed that CEC is in debt one-half million dollars. It was further announced that unless CEC

could find a way to increase its revenues it will be in debt more than \$900,000 within the next three years. Given the severity of CEC's financial situation the auditor is reported to have said that CEC is no longer a viable organization. For this reason, many drastic cuts have been made in CEC's operations.

CEC's national headquarters staff has been cut by more than 50 percent to less than 60 in number. Many internal cost-saving measures have been taken such as doing away with their toll-free telephone number.

Of major discussion was a proposal to reduce by 50 percent the dues which are paid to CEC's state affiliates (known as state Federations). The current arrangement has CEC dues paid directly to the national office with a percentage being paid to the state Federations and local chapters. These disbursements are made twice annually. The proposal to reduce the dues to the state Federations would be a temporary measure lasting three years during which time CEC would save approximately \$350,000. The reduction of the state Federation's dues would have no effect on CEC's divisions.

CEC divisions are autonomous organizations with affiliate status. Members joining divisions pay division dues above and beyond the cost of dues to

CEC. For this reason, the CEC Board of Governors does not have the authority to withhold dues for division membership.

Nevertheless, Virginia Sowell, who represents the Division for Visually Handicapped (DVH) on the CEC Board of Governors, reported to the DVH membership that national CEC planned to take 50 percent of DVH's dues. I am not clear as to why Ms. Sowell would report this fact erroneously since during the Board of Governors meeting she specifically asked for clarification of this point. She was told, at that time, that the division's dues would not be affected. Throughout the conference the DVH leadership conducted themselves as spoiled children, interested only in getting what they could for themselves with no concern for the welfare of CEC as a whole.

On Monday, April 4, 1983, during the DVH executive committee meeting the treasurer reported that the DVH had an account with CEC with a balance of more than \$2,500.00. Because of CEC's poor financial condition, it had borrowed funds from the accounts which it was holding for its various divisions. Nevertheless, the DVH treasurer reported this fact as CEC having taken away DVH's money and leaving them with a negative balance of approximately \$1,000. He offered no explanation for why the money had been taken and clearly implied that it had been seized for good with no hope of its recovery.

After the treasurer's report a DVH Board Member offered a suggestion for recovering the lost funds. She suggested that the new brochure which DVH was ready to publish should be sent to the print shop at CEC's national headquarters. After the brochures were

printed and the bill received, the Board Member suggested that it be mailed back to CEC with a note telling "them" to take the money from the money they had "stolen." This suggestion received unanimous agreement.

DVH's shortsighted, if not impertinent, attitude toward CEC as a whole was further demonstrated at its second general session, which was held Wednesday, April 16, 1983. During that meeting, I moved that DVH, which currently has a treasury of \$6,000 in addition to a large certificate of deposit, donate \$1,000 to national CEC in its time of financial crisis. Although my motion received a second, when the vote was taken, mine was the only affirmative vote.

I feel strongly that the DVH is a self-serving organization which would have no reservations about draining CEC of its financial resources even if it meant the demise of CEC. I believe this is a result of the fact that the DVH is not an active or necessary organization. Educators of blind children have other professional organizations in which to operate and simply use CEC as a means of fostering the idea that all of the professional organizations in the field are united in their philosophy of the education of blind children. Whether CEC lives or dies is of no concern to DVH. That is, as long as CEC doesn't try to take its money.

At the delegate assembly on Thursday, April 7, 1983, many of the divisions abstained on the vote concerning dues to the state Federation since it would have no effect on the divisions. As you may anticipate, DVH voted against the proposal. Fortunately, the proposal passed by a comfortable majority. I believe it

is of benefit to the field of special education to keep CEC alive and vital, and perhaps the drastic measures taken will be of help.

Not all of the week's activities were negative. The Professional Standards Committee, of which I am a member, has developed a three part set of standards for the field of special education. There are a code of ethics, standards of practice, and standards governing teacher preparation.

Of significant concern is the press by several of the divisions to submit supplementary standards specific to the division's respective area of interest. In addition, the divisions are arguing that standards which govern a teacher training program, such as in the education of the deaf, should include review of the program by a qualified educator in that field. If this move is successful, I have no doubt that the DVH would press for NAC standards to be used in the evaluation of educational programs and teacher training programs in the

field of blindness. At the present time, the members of the Professional Standards Committee are united in their opposition to adopting this unnecessary complication of the standards-setting process.

The DVH is in the process of publishing position papers governing specific aspects of the education of blind children. As Geraldine Scholl is the chairman of DVH's own Professional Standards Committee, I am sure she will be one of those pushing for inclusion in the development of additional CEC standards.

I reported to one of the top leaders of CEC the attitudes and conduct of the DVH. I doubt seriously if they will gain widespread political support in CEC, particularly if they try to finagle CEC into doing their printing of their brochure at no cost to DVH.

I will keep you informed concerning further developments in the work of the Professional Standards Committee and other CEC activities.

### THEY WANT THEIR EASTER DINNER

In 1977 Robert Acosta became President of the National Federation of the Blind of California. His administration began with every promise of harmony and progress. By early 1978 Mr. Acosta had so behaved that there was widespread unrest throughout the California affiliate.

By mid-summer more than two-thirds of the board of directors of the National Federation of the Blind of California felt that action had to be taken. They met and removed Mr. Acosta from the

office of President. The National Board of Directors confirmed this action and expelled Mr. Acosta from membership in September. The expulsion came at the end of a day-long hearing, which was characterized by unbelievable disorder and misconduct on the part of both Mr. Acosta and his attorney, one Lawrence Eisenberg.

As readers of the MONITOR know, an involved and lengthy lawsuit followed. For more than four years Mr. Acosta and

his supporters maneuvered in the courts and claimed they had done nothing wrong. The case was settled January 31, 1983, when the court confirmed that Mr. Acosta was no longer a member of the National Federation of the Blind and that the name National Federation of the Blind belonged to the national body and its reorganized California affiliate.

The Court Order specifically prohibited Mr. Acosta and his organization from using the name National Federation of the Blind of California after the first week in February. The only exceptions dealt with fundraising already in progress and such items as telephone listings, which would have to wait for the printing of new telephone books. Mr. Acosta's organization was ordered not to interfere with the fundraising activities of the state affiliate of the National Federation of the Blind or of the Federation. Of course, there was no necessity for the court to issue an order forbidding Mr. Acosta to raise money in the name of the National Federation of the Blind. Such fundraising on the part of Mr. Acosta and his group would have been illegal from the beginning and would have constituted a misrepresentation to the public.

Very shortly after the Court Order was issued, the National Federation of the Blind found it necessary to ask the judge to declare Mr. Acosta and his organization in contempt of court. The case was heard, and Mr. Acosta's organization was cited on six counts of contempt. No penalties were assessed, but the Acosta supporters were told that if their illegal actions continued, penalties would be assessed.

New developments have now occurred which can only be characterized as

shocking. Although the court had said that no new fundraising could be initiated by the Acosta group in the name of the National Federation of the Blind of California and although the Acosta group could never (without permission) have raised funds in the name of the National Federation of the Blind, a contract was signed in mid-March. Mr. Eric J. Chinlund signed it March 14, 1983, and Mr. Acosta signed it March 17, 1983.

The contract provided that Mr. Chinlund (using the name E. J. C. Enterprises) would raise funds for the California Council of the Blind, the name now used by the Acosta group. So far so good, but the bank account was in the name of the National Federation of the Blind. More about the details with the bank later, but first let us consider the purposes for which the funds were to be raised. What did the Acosta group wish to do with the money? The contract tells us in the following language:

"Responsibilities

"E. J. C. Enterprises;

"2. Responsible for coordinating an Easter dinner for members of the CALIFORNIA COUNCIL OF THE BLIND (limited to 25 persons). Said activity shall be on or near Easter day 1983, whichever date is acceptable to both CALIFORNIA COUNCIL OF THE BLIND and E. J. C. ENTERPRISES. E. J. C. ENTERPRISES shall assume all costs involved with or for said activity."

Here are Acosta and his organization raising funds all over Orange County. To do what? To provide scholarships for students? Publish educational material? Provide consultation to parents of blind children? The contract lays it out. They are raising money (thousands of dollars of it as it turns out) to buy



themselves an Easter Dinner

This is not all. After the telephone solicitation, a pledge card was sent to the potential donor. The card says in part: "Please retain this portion for your records. Please make check payable to: **National Federation of the Blind**. THANK YOU."

In other words the Acosta organization signed a contract with a fundraiser to raise money for them in Orange County, California, and donors were asked to make their checks payable—not to the California Council of the Blind, not even to the National Federation of the Blind of California, but to the National Federation of the Blind. And for what noble purpose? To buy an Easter dinner for not to exceed twenty-five members of the California Council of the Blind. How much can one Easter dinner (or, for that matter, twenty-five Easter Dinners) cost? May checks made payable to the National Federation of the Blind be cashed and used by another organization? Is this fraud? State and federal officials will have to decide, but it seems to be one of the strongest pieces of business to come down the road in a long time.

The bank in Orange County was concerned enough about it to contact Sharon Gold, the President of our California affiliate. They were concerned enough to provide photocopies of the checks,

many of which are made payable to the National Federation of the Blind and endorsed: "Payable to the order of Bank of Westminster. For Deposit Only California Council of the Blind of California, Inc. 01-013-599 National Federation of the Blind."

What a sleezy way to behave! When the rank and file members of the Acosta group learn the details, will they continue to tolerate what is happening? How many of them got to eat the Easter dinner, and what kind of menu was served? Is this the sort of thing for which money (thousands and thousands of dollars) should be raised? Well, what kind of pitch, one wonders, did the telephone solicitors make when they called to ask people to contribute? What did this do for the image of the blind in this area? How will it affect the way they will be treated and perceived? These are questions which Mr. Acosta will inevitably face—not to mention the legal questions with which he will have to deal.

If anyone ever doubted whether the expulsion of Mr. Acosta was justified, that question is surely settled. There are many things which we as blind people may need from the public, but perhaps we can manage to buy our own Easter dinner—especially, if not more than twenty-five are to be allowed to have any.

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## **REFLECTIONS ON GROWING UP DISABLED**

### **and "Professional" Literature—An Epithet Slightly Modified**

by Duane Gerstenberger

"Professional" literature. Federationists respond to this phrase with the emotions reserved for the most noxious of epithets. We often laugh and loathe in the same breath when we hear it.

As the Federation's energy, commitment, and resources have multiplied over the years, so has our reputation as a source of accurate, tested, and intelligible information about blindness. We have recognized the damage done by so-called "professional" literature so we have written, edited, published, and distributed materials which reflect the real problems of blindness. Now the blind and those who touch their lives study our books, speeches, brochures, and articles. The Braille Monitor—always a source of information and inspiration for Federationists—has expanded its circulation significantly in recent years, and it is read regularly and enthusiastically throughout the field of work with the blind. The Federation has raised its voice, set it in type, and the blind of the nation have responded affirmatively.

Reflections On Growing Up Disabled, edited by Reginald I. Jones, was published in early 1983 by the Council for Exceptional Children (CEC). It was prepared by the ERIC Clearinghouse on Handicapped and Gifted Children pursuant to a contract with the National Institute

of Education, U. S. Department of Education. CEC is a "professional association committed to advancing the education of exceptional children, both gifted and handicapped." It was founded in 1922. With a membership of 50,000, it supports and influences programs and legislation affecting gifted children. It houses the ERIC Clearinghouse on Handicapped and Gifted Children, which is one of sixteen such centers in a nationwide information system supported by the National Institute of Education, U. S. Department of Education.

Reflections On Growing Up Disabled is "designed to fill a void in the [education and rehabilitation] attitudinal literature by presenting firsthand accounts of the experiences and perceptions of disabled persons themselves, as well as the views of parents of disabled children," according to Mr. Jones, Professor, Afro-American Studies, University of California, Berkeley. To accomplish this purpose, Mr. Jones uses material from fourteen contributors—seven individually written accounts and three co-authored accounts. Seven of the ten chapters are written by disabled persons from their own experiences and perspective. The other three chapters are the dual author pieces; one is intended as a general, introductory chapter and the other two present

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parents' views. The complete text is eighty-nine pages, and there are fourteen pages of bibliography.

Federationists will be pleased to know that Dr. Jernigan wrote the only chapter of this book dealing with blindness: "Blindness: Disability or Nuisance?" Five other specific disabilities are represented: learning disabled, orthopedically handicapped, cerebral palsy, deafness, and mental retardation. Federationists will be surprised at the general tone and style of the other chapters. We are not accustomed to the kind of precision, directness, and intelligibility from "professional" literature which this book exhibits. Its substance is valid, logical, and tested; but for one exception (Chapter 9, "Parents and Professionals: Irrational Assumptions in Their Communications"), its style, vocabulary, and tone are not the standard educational journal ilk. (Only in Chapter 9 do we read the ubiquitous "it must be pointed out here..." phrase, which permeates the standard "professional" books and magazines. And only here do we see the standard call for research and demonstration: "In a much larger sense, attitudes of all types are most clearly seen in the study of nonverbal communications. Research and demonstration projects are vitally needed in this area not only to pinpoint specific behaviors impeding rapport and communication but, also, to identify ways of changing such behaviors and their underlying attitudes. That is the next frontier for attitudinal research." Even with these stylistic blemishes, Chapter 9 is a valuable addition to the book.) The book's style is primarily anecdotal and conversational. It surveys a diversity

of disabilities without the "lumping" effect so often apparent in literature that attempts to deal with the disabled. This one small volume provides a great deal of information about several disabilities in a readable fashion.

A significant weakness of the book is Chapter 1, "Reflections of Disabled Children." It is an excerpt from another article or paper and only serves to get in the way of the succeeding chapters. It does not excite the reader or render anticipation for the material which follows. If used at all, it would have been better used in an even more abridged fashion as part of the preface. Unlike the text itself, the bibliography is standard "professional" journal fare. Skip it. Also, the very brief lines about the contributors probably would have been better placed at the start of each chapter rather than as a list at the beginning of the book.

Reflections On Growing Up Disabled is a good book. It accomplishes its purpose, and that purpose serves the needs of disabled persons. Blind persons are well served by Dr. Jernigan's contribution to this volume. The National Federation of the Blind is well served by being represented in this book. The term "professional" literature takes on a slightly less tainted connotation because of this book.

Print copies of Reflections On Growing Up Disabled may be purchased from the Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091 at a cost of \$6.38 for members and \$7.50 for non-members. Neither CEC nor the National Library Service for the Blind and Physically Handicapped have yet produced a Braille or recorded version of this

book. Both indicated that they would consider recording it as a result of our

inquiry as to its availability.

## IOWA COMMISSION FOR THE BLIND

### PROPOSES NEW REGULATIONS

(The following is reprinted from the May, 1983, BARRICADES, the official publication of the National Federation of the Blind of Iowa.)

The Iowa Commission for the Blind has proposed two administrative rules which would affect the way the Commission works with its clients. These administrative rules serve to govern the operations of the Commission and, at least internally, have the force of law. Before the rules become final the Commission must hold a public hearing and must also accept written comments on the proposals. The hearing is scheduled to be held on June 3, 1983, at 1:30 P.M. in the Iowa Commission for the Blind building, 524 Fourth Street, Des Moines, Iowa. It will also be possible to make oral comments at the district offices of the Commission at that time. Written comments can be sent to the Commission until June 3, 1983.

The two proposed rules are sharp departures from past practice and both, therefore, should be the subject of thoughtful comment by the blind community since we as blind people will find our lives affected by these changes if they are put into effect. The National Federation of the Blind of Iowa will be filing written comments on both regulations and urges every concerned blind

person to do likewise. To make this easier, we have printed both proposed regulations in full as part of this article.

For many years the Iowa Commission for the Blind has provided vocational rehabilitation training to its clients using colleges and universities in and outside of the State of Iowa. The decision on what kind of training that could best be provided, where it may be provided, and who will pay the costs has historically been a part of the Commission's Individualized Written Rehabilitation Program, which is worked out jointly by the blind person and his or her Commission for the Blind rehabilitation counselor. For quite some time the federal regulations under which the Commission operates have required that Commission assistance be provided only after the student has first made a maximum effort to secure federal Pell grants, private scholarships, and other grant-in-aid funding. This type of funding is commonly referred to as "similar benefits." The Commission has never in the past placed a ceiling on the amount of financial assistance that can be given to an individual college student. Rather, this has been a matter of common sense and negotiation between the counselor, the student, and occasionally the student's parents.

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The Commission also has never restricted students to seeking their educational advancement only within the State of Iowa, or attending only certain colleges or universities within the state. As you will see, the proposed rule in paragraph (c) has the effect of doing both of these things.

Because these restrictions are pretty drastic, it would seem that some crisis, such as a present or anticipated loss in funding, would be needed to compel such a change. However, to the best of our knowledge, the Commission will be given all of the money for services that it asked for, and there does not seem to be any attempt to take away present service money from the agency. The Commission director herself, when this proposal was presented to the Commission Board, made no mention of any drastic funding shortage. Her primary emphasis was on the fact that the proposal provides for exceptions to be made to the rule if the student can make a compelling case for unusual treatment.

The proposal has two basic flaws. The first is that the proposed rule changes the entire discussion of educational aspirations. Past practice has been to focus the discussion between the blind person and the counselor on the question, "Where will I, the student, best get the education I personally need and the education that will prepare me for employment?" In this discussion the only limitations are the abilities and the individual attitude of the blind person. This gives the counselor his or her opportunity to counsel the blind person and develop an educational program which is personal in nature. Once this decision of schooling is made, it becomes the responsibility of the coun-

selor and the student to find a means of funding these educational goals. In other words, the discussion first has centered around what would be best for the blind person and then secondly, how it would be possible to pay for this.

The new proposal in paragraph (c) reverses these priorities. The new question becomes, "Where can I afford to go to college?" Or, "If I don't want to go to a community college or state supported university, how can I manage to persuade my counselor to fund the training at the educational institution that I would like to attend?" Unfortunately, in the overwhelming majority of cases, the blind student will not have a choice. He or she will either go to a community college or a state university. Of course, an exception can be made if the student and the counselor agree, first of all, and, second of all, can make a compelling enough point to persuade the counselor's supervisor. The notion of personal preference, religious affiliation, desire to study under a particular faculty member, need for a smaller, more personal institution of higher learning, and such other considerations playing a major part in such a decision apparently will go by the way-side. We as blind people will be channeled to a few educational institutions instead of spreading out among Iowa's colleges and universities and those of the nation according to our individual differences and aspirations.

The wisdom of the approach that the Commission has been using in this regard for a number of years is shown in the breadth and diversity of Iowa's blind community in terms of its education and culture. By spreading throughout the state, and into other states, blind

Iowans have done much to change attitudes about blindness in the educational and professional community. Unfortunately, in the future, only those persons attending a state supported institution will likely have an opportunity to associate with and come to know blind students.

The second basic flaw in the Commission's proposed rule is its acceptance (passive acceptance, in fact) of a lessened future for Iowa's blind community. The proposal, in effect, says that money is now very tight, fewer dollars have to cover more services, things are just harder in these days of Reaganomics, and deficits and blind people are just going to have to suffer along with the rest of the country.

This is, of course, a new note in services to the blind of Iowa. Many of us remember when the state agency for providing services to the blind of Iowa played a true leadership role in seeing that blind people got services. The Commission would not take no for an answer. The director used persuasion, creativity, and any other means at his disposal to find the way to provide services to the blind of the state if the need was there. There is obviously no more important need in the blind community than the need for a good professional education which will lead to a high paying, competitive job. This new regulation, hiding behind much current rhetoric, simply takes a defeatist attitude about the matter. In effect, the blind of the state are told that the days when a blind person could choose what college or university he or she wanted to attend are now over, and there is no sense fussing about it. However, some exceptions can be made in

cases of desperate need. Of course, there is no interpretation offered concerning what particular needs would result in a person's being excepted from the regulation as proposed. This will tend, by its nature, to lead to as many interpretations as there are counselors and supervisors in the Commission. It will also encourage browbeating, pressure, favoritism, and reprisals. If a blind person, in fact, wants to go to a private college or university, or one outside the State of Iowa, he or she can, of course, come up with the additional money. This will result in the phenomenon of the Commission having money to pay for a student's college education, yet requiring the student to take out a loan for that education simply because the student wishes to exercise preference over where he or she wants to go to school. Here in its entirety is the proposed regulation:

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Rule 160-2.5(601B) is amended through the addition of the following subrule: 2.5(4)

a. To the extent of its available resources, the commission will provide or cause to be provided such vocational training for each vocational rehabilitation client as necessary in order to achieve optimum vocational success. The extent and type of training will be agreed upon as part of the client's individualized written rehabilitation plan and approved by the program manager—field operations.

b. Clients sponsored by the commission in post-secondary education shall apply for scholarships and tuition grants in accordance with federal

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vocational rehabilitation policy. At a minimum, clients will apply for PELL grants and any other grants or scholarships available from the institution they plan to attend.

c. The commission will authorize, to the extent of available resources, payment of tuition for any post-secondary student sponsored equal to the maximum current tuition paid at the institutions operated by the Iowa Board of Regents or the state's area colleges. Exception to this policy will occur only in cases where educational necessity for waiver can be demonstrated and must be approved in advance by the program manager—field operations on the basis of specific training needs stipulated and agreed upon in the client's individualized written rehabilitation plan.

d. Books, tools, supplies, reader service, maintenance, and transportation costs included in a valid IWRP will be approved as needed to the extent of commission resources available.

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The second proposed regulation is also new in several senses. It deals with the Business Enterprises Program, also operated by the Commission under federal and state law. Under the Business Enterprises Program, the Commission acquires permits to operate food service facilities, usually on public property, and trains blind persons to manage the facilities. After a blind person becomes a facility manager the Commission is supposed to step back and let the person run the facility, providing ongoing training and assistance as requested and needed.

The proposed rule deals with a topic

which has been discussed at two quarterly meetings of Iowa's blind vendors, namely, that of the instant removal of a manager from the facility he or she is managing. This in itself is quite a departure from the past practices at the Commission where ongoing interaction between Commission employees and vending facility managers has always provided a framework for early identification and joint solution of problems by the staff and the manager. In the past, it was simply thought unnecessary to have a provision under which the Commission could pull a manager out of his or her facility without notice.

The vendors were not happy during either of the two discussions of the subject with the instant removal idea, but like most of us, they likely said to themselves: "It will probably never happen to me, so it's probably all right." They did, however, insist upon one protection built into the rule. They did not want a manager to be removed just for violation of some trivial Business Enterprise Program rule. They felt instead a manager should be subject to instant removal only for "gross" violations of BEP rules. This word "grossly," the vendors quite reasonably felt, would give them protection against arbitrary or capricious acts of instant removal, actions which would necessarily result in an immediate loss of income. The word "grossly" is familiar to lawyers who use it all the time in legal language in the very way that the vendors intended.

The rule, as proposed to the Commission Board, did, in fact, have the word "grossly" in it, as you will see. However, two Commissioners, Mr. Gentry and Mrs. Dayhoff, insisted that the word

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"grossly" be taken out of the proposal before they accepted the rest of the proposed rule. Neither Commissioner ever explained particularly why they did so, but it was obvious they felt uncomfortable having it there. Perhaps they felt uncomfortable in restricting the power of the Business Enterprise Program staff in any way. If so, this indicates clearly what Mr. Gentry and Mrs. Dayhoff feel about the rights of Iowa vendors. The proposed rule as published by the Commission before the Commission board meeting (and still containing the word "grossly," which was omitted) reads as follows:

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Rule 160-4.4(601B.601C) is amended through the addition of the following subrule:

4.4(2) If the commission finds a vendor is grossly violating the rules of the vending facility program in such a manner as to jeopardize the commission's permit for the vending facility location or the health of patrons, the commission

may immediately suspend the vendor pending a full evidentiary hearing or a satisfactory resolution of the problem.

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### **Monitor Editor's Postscript**

(These two rules run counter to everything for which the Iowa Commission for the Blind has always stood, and Jim Gashel, our Director of Governmental Affairs, believes that the one dealing with the vending program violates federal law. Mr. Gashel is as knowledgeable in these matters as anyone in the country, certainly more than anyone now at the Iowa Commission for the Blind. There are still a few people—the number is rapidly decreasing—who try to pretend that the services at the Iowa Commission for the Blind have not deteriorated and that the agency still maintains the high standards which brought it national and international recognition. Nonsense!)

## **THE SHELTERED WORKSHOP SYSTEM UP FOR REVIEW BY CONGRESS**

### **PROONENTS OF REFORM UP FOR ATTACK**

#### **JOSEPH LARKIN TESTIFIES**

When a Congressional Committee holds oversight hearings to review the performance of a congressionally established program, witnesses are expected to gather under one of two banners—those favoring revisions in the existing

legislation, and those favoring keeping things as they are. That doesn't always happen. The United States House of Representatives was reminded of that fact on May 17-18, 1983, when it held hearings on the Javits-Wagner-O'Day Act.



Passed by Congress in 1938, the JWOD Act created the Committee for Purchase from the Blind and other Severely Handicapped (the Committee) and opened the way for the creation of National Industries for the Blind (NIB) and National Industries for the Severely Handicapped (NISH). The Act originally established a priority right for sheltered workshops for the blind to sell commodities to federal agencies. In 1971 the Act was amended to expand the priority to include sheltered workshops employing the other severely handicapped.

The first panel of witnesses to testify during the hearings held May 17-18, 1983, was entitled "Groups and Organizations Favoring Change in the JWOD Act." The panel included: James Gashel, Director of Governmental Affairs of the NFB; Ralph Sanders, President of Blind Industries and Services of Maryland and Immediate Past President of the NFB; and Fred Banks, Executive Director of Kentucky Industries for the Blind. Mr. Gashel spoke eloquently about the failure of the JWOD Program to insure that the benefits of federal procurement reached the blind and other severely handicapped persons for whom they were intended; Mr. Sanders spoke about the lack of competency and accountability of the Committee and the Central Nonprofit Agencies, NIB and NISH; and Mr. Banks addressed his remarks to the failure of NIB to assist workshops in getting new products to provide continuing employment opportunities for blind workers, noting that it had been over thirty years since NIB had assisted Kentucky Industries for the Blind in placing a new product on the federal procurement list.

The next four panels were supposed to

be made up of witnesses supporting maintenance of the JWOD Act as it currently is written. However, as the day went on, many of the witnesses spoke in favor of changes in the administration of the Program, but most argued that the changes could be made administratively by the Committee and the Central Nonprofit Agencies (NIB and NISH). Finally, Subcommittee Chairman Barney Frank (Democrat of Massachusetts) said that he sensed a great deal of interest in changing the Program but that many witnesses seemed to be hoping that Congress would stay out of the process. He reminded witnesses that Javits, Wagner, and O'Day were all members of Congress.

Of course, there were a number of witnesses (particularly, from the field of work with and for the blind) who extolled the virtues of the sheltered workshop system. It is not surprising that these witnesses included Oral Miller and Durward McDaniel of the American Council of the Blind, and George Jacobson, Executive Director of the Seattle Lighthouse for the Blind and current President of the General Council of Workshops for the Blind. Both McDaniel and Jacobson are members of the Board of Directors of NIB.

There are those who believe that a good defense (perhaps the best) is a strong offense. The stalwarts in the NIB-AFB-NAC-ACB combine apparently subscribe to this theory. Joe Larkin (Executive Director of the Industrial Home for the Blind, a member of the Board of Directors of NIB, and a long-time leader and Board Member of NAC) appeared at the hearings claiming to represent the General Council of Workshops for the Blind. It has been several years since Mr. Larkin actually

held the post as President of the group. Mr. Larkin's testimony gave the Subcommittee a new twist as to the role of witnesses appearing before an oversight committee. He scarcely dealt with the issue of the JWOD Act at all. Instead, Mr. Larkin had obviously been designated as the "attack" man. He devoted most of his time and testimony to an attempt to smear the National Federation of the Blind, Blind Industries and Services of Maryland, Ralph Sanders, and President Jernigan.

His comments about the NFB had an old and familiar (one might almost say tired) ring. His comments also renewed some old questions. Mr. Larkin relied heavily on the position of the Acosta group in California in attacking the NFB. His intimate familiarity with the Acosta situation raises anew the questions of who paid for the Acosta litigation. Monitor readers will recall that Bob Acosta admitted his legal fees were being paid by an outside group. Comments of an ACB official in the California courts, and the lack of response by Bill Gallagher to the question raised by President Jernigan at the 1982 NFB Convention gave strong support to the allegation that the Affiliated Leadership League of and for the Blind (a group headed by none other than Durward McDaniel) was the funnel for money to the Acosta group for its California lawsuit against the Federation. Was Mr. Larkin a factor in that operation? There is no evidence either way, but his comments before the Subcommittee on Manpower and Housing give substance to the question.

The more than twelve pages of Mr. Larkin's testimony devoted to BISM and Ralph Sanders are a more subtle distortion

than the rest of his comments. To those who are not directly familiar with the details of what has occurred at BISM since Mr. Sanders took the agency's administration in late 1975, Mr. Larkin's comments sound straight to the point, damaging, and indeed truthful. Knowing Mr. Larkin's long history of involvement in the field of work with the blind, we should not be surprised that his comments are neither straight to the point nor truthful. Given a full airing in the open, they accomplish the exact opposite of what he intended. They underscore and emphasize the value of the accomplishments of BISM in providing bold, new leadership in the area of training and employment for blind persons in a sheltered workshop environment—but Mr. Larkin is his own best spokesman. So that all can see how he chose to defend subminimum wages, custodial treatment of blind persons, and inadequate (indeed, sometimes inhumane) working conditions, his testimony before the Subcommittee on Manpower and Housing is reprinted here in full.

Mr. Larkin may come to realize the problem of distortion and misrepresentation in a public forum. Unlike the closed room meetings of NIB's Board of Directors (of which Mr. Larkin is a member), Committees of Congress operate in the open, and comments made before those committees are subject to public scrutiny. So that Mr. Larkin's remarks about BISM can be viewed in perspective, the Monitor is reprinting in full a letter from Ralph Sanders under date of May 24, 1983, to the Subcommittee on Manpower and Housing.

Here is the Larkin testimony, and here also is Ralph Sanders' letter. Let Monitor readers examine them both, and

then decide for themselves:

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**TESTIMONY  
OF THE GENERAL COUNCIL  
OF WORKSHOPS FOR THE BLIND  
BEFORE THE SUBCOMMITTEE  
ON MANPOWER AND HOUSING  
COMMITTEE ON  
GOVERNMENT OPERATIONS  
MAY 17, 1983**

MR. CHAIRMAN AND SUBCOMMITTEE MEMBERS: My name is Joseph J. Larkin. I am pleased to have the opportunity to represent the General Council of Workshops for the Blind (GCWB). GCWB is the only organization that definitively represents the workshops serving blind and multihandicapped blind persons. These are the agencies that will be directly affected by these hearings and any subsequent changes in the Javits-Wagner-O'Day Act (JWOD) or its implementing regulations. [We interrupt Mr. Larkin's testimony to ask a question: Will not the blind be even more affected?]

Currently, I am the Executive Director of The Industrial Home for the Blind (IHB) and have served in this capacity since 1975.

For the record, the IHB is the largest multiservice agency for blind and multihandicapped blind individuals in this country. Prior to being named Executive Director of the IHB, I served as the Business Manager of the IHB and began my employment at this agency in 1948. Therefore, I have 35 years direct experience with the issues being raised before this Subcommittee.

For the record, I served as the President of the GCWB from 1978 to 1980; the Vice President from 1976 to 1978; the Secretary from 1974 to 1976; and, of course, the Immediate Past President of the GCWB from 1980 to 1982. I have also served on the following Committees of GCWB: Executive Committee, Legislative Committee, Sales Committee, Program Committee, Nominating Committee.

The GCWB was established in 1938. Its membership consists of all workshops for the blind that qualify for association with National Industries for the Blind (NIB) under the regulations governing the JWOD Act. There are no dues or fees. The only requirements for membership are: 1. Qualification for affiliation with NIB; 2. Completion of a simple application form; and 3. Acceptance by membership vote at a regularly scheduled Business Meeting of the GCWB. [We interrupt Mr. Larkin's testimony again: Mr. Larkin, you say there are no dues for a workshop to be associated with NIB, but how about the millions of dollars you take in fees each year from the workshops for government contracts funneled through you? Perhaps these might be regarded as "dues" wrung from the sweat of blind workers, who receive less than the minimum wage.]

Never in the history of The Council has a workshop been denied membership if it met the qualifications for association with NIB and submitted a completed application form.

The GCWB presently represents 82 agencies, each having one vote, which operate 102 workshop programs. These agencies are located in 33 states, the District of Columbia and the Commonwealth of Puerto Rico. Seventy of the 102

workshops are operated by private non-profit organizations, while the remaining 32 workshops are operated by State agencies.

In Fiscal Year 1982, our members provided employment services for 5,121 blind persons, 2,510 of whom had handicaps in addition to blindness, including 605 severely disabled blind persons in 26 Work Activities Centers (WAC). [Once more we interrupt Mr. Larkin's testimony: Mr. Larkin, we have read NIB's unique definitions of multiple handicaps. Are you, for instance, including in your numbers those blind people who have multiple handicaps because they are a few pounds overweight, are over 55, or are not culturally up to par? But say on, Mr. Larkin, say on.] Most of our 82 member agencies are multi-service organizations. Collectively, GCWB member agencies provided employment, rehabilitation, and related services for 60,921 blind and visually impaired persons during Fiscal Year 1982.

The Council's primary purpose is to provide its members, individually and collectively, with a mechanism for addressing problems, questions or grievances that affect workshop operations, and to represent them before the general public, governmental agencies, and in particular, NIB and the President's Committee. The Council is divided into four regions. Each elects its own representative to the Executive Committee of the GCWB for a two-year term. These Regional Representatives are responsible for maintaining close liaison with each of their workshops and presenting issues, questions or problems to the Council Executive Committee for resolution.

This morning you heard from the National Federation of the Blind (NFB) and from one of our member agencies, Blind Industries and Services of Maryland (BISM). They have raised many serious issues and made several accusations. The GCWB welcomes an opportunity to set the record straight.

We who operate workshops are now at a point where we must speak out against the unfounded and unjustified attacks on our program which divert us, NIB, and others from our prime responsibility of developing employment opportunities for blind and multi-handicapped blind persons. [Yet again we interrupt Mr. Larkin's testimony: Mr. Larkin, if your prime responsibility is to develop employment opportunities for blind persons, how do you justify the tens of thousands of dollars which your witnesses admitted NIB spent paying high-priced Washington lawyers to fight against the right of blind shop workers in Cincinnati and other places to organize? Remember that this money was not yours. It did not belong to NIB. The workshops were compelled to pay it to you in order to be allowed to have government contracts, and the workshops got it from the labor of their blind workers, many of whom were compelled to work for less than the minimum wage while you took their money and used it to try to prevent them from exercising their legal rights to organize and attempt to improve their wages and working conditions. With all your money you still lost in the courts. But back to your testimony.]

Members of the Subcommittee, I appear before you today to confirm that the

GCWB supports the current structure of the JWOD program as administered by NIB and The President's Committee for Purchase from the Blind and Other Severely Handicapped (The Committee). Attached to this statement are GCWB resolutions that address the Act and the performance of organizations charged with administering it.

The Council also supports the Act as now written, particularly the priority for commodities afforded to workshops for the blind. We who operate blind workshops are conversant with other handicaps, for half of our employees have handicaps in addition to blindness. We are also aware that work centers for the other severely handicapped have a de facto priority in the service area; blind workers cannot compete for mailing, janitorial, food service and other services performed at the customer's location. **[This time only a brief interruption: Really, Mr. Larkin?]** In addition, the inability to see restricts our workers from performing some industrial operations at a productive rate. Thus, our shops are excluded in practice from successfully competing for certain commodities. **[Again we interrupt briefly: Are you sure, Mr. Larkin?]** Given the healthy growth of the other handicapped in the area of services, and the restrictions on our shops which all share the handicap of blindness, we believe that Congress acted wisely and fairly when it gave the blind a priority on the commodities they are able to produce. **[Even a briefer interruption: "Are able," Mr. Larkin?]**

The specific questions before this Subcommittee include the adequacy of the commission fee; the responsiveness of

NIB to requests for information from workshops; the adequacy and fairness of NIB allocations procedures; the monitoring of NIB by The Committee for Purchase from the Blind and Other Severely Handicapped, and others. Our members depend on the JWOD program and are intimately familiar with its operation. The position of the Council is absolutely clear. We support the program as now constituted. Let me discuss each point separately.

Every workshop is aware that NIB receives a fee from each workshop participating in the JWOD program based on the amount of sales to the Federal Government. (The fee is currently 4% and, subject to approval by the President's Committee, will be 3 1/2% effective October 1, 1983). There are presently 78 workshops producing items or services for the Federal Government out of the 102 associated with NIB. It is these 78 workshops that are obligated to remit the commission to NIB. These fees support the NIB service programs for all associated workshops regardless of whether a particular shop is contributing. Is this fair? It is more than fair. It is really the only way to continue the growth of the program. There are a great number of workshops now producing for the Federal Government that at one time were not capable of doing so. The technical assistance provided by NIB has enabled these workshops to improve and expand their employment services for blind people by becoming active in the JWOD Program.

Successful workshops pay the fee, part of which is used to stimulate other, non-participating, workshops. If only the contributing shops received services, we would quickly develop a dispar-

ity of enormous proportions between the "haves" and "have nots" that would deprive a great many blind people throughout this country of jobs. Additionally, and just as importantly, very few workshops could finance the product research and development, implementation and contract administration services now provided by NIB. If any agency had a right to question the services received for the fee it would be the IHB; we have been contributing to the program since it began in 1938. Yet, we support NIB's prudent use of its funds. [Once more we interrupt the testimony: A number of workshops say, Mr. Larkin, that National Industries for the Blind provides no services at all and that the use of the money it gets is certainly not "prudent"—witness the payments to lawyers to fight the workers, the alleged expenditures to attack and smear the organized blind movement, and the very costs involved in bringing witnesses and others to congressional hearings.] Blind people should not be denied an opportunity for services simply because their workshop cannot finance entry into the JWOD program. The GCWB believes that workshops receive quite a bargain for these fees paid to their Central Non-profit Agency.

The GCWB has been very satisfied with NIB's responses to inquiries for information from the workshops. Of course, workshops will occasionally disagree or take exception to decisions of NIB or believe that their questions have not been adequately addressed. That is one reason for the existence of the GCWB. NIB's services meet the needs expressed by affiliated workshops and the requirements of the Government procuring agen-

cies. A case in point is the NIB Rehabilitation Services Division, established in 1968 because the workshops expressed concern about the increasing number of persons with other handicaps being referred for services. [Still another brief interruption: Mr. Larkin, we know about those "concerns" and those "other handicaps."]

There are some requests, the recent ones from BISM being an example, that would put an undue administrative burden on NIB and, in fact, fly in the face of reasonableness. [We hate to interrupt you again so soon, Mr. Larkin, but did the requests from BISM really "fly in the face of reasonableness?" All BISM asked was that you make your records available so that BISM could see how the money you were taking from its blind workers was being spent. A congressional committee asked you the same thing a couple of years ago, and there are members of Congress today who say they are determined to see what you do with the millions you take. After all, it is really federal money. Congressman Frank himself said so. Remember? Ah, Mr. Larkin, you of NIB and the workshops will soon have to disclose and disgorge. You'll see. Want to bet? But back to your testimony.] It is important to note that fully one-half of the NIB Board consists of workshop representatives who have access to the most detailed NIB financial information and vote on major policy decisions. [Interruption: Why can't the others have it?] The close liaison between the GCWB and NIB further enhances the free flow of information.

The Council's influence on the NIB

Board assures the workshops that NIB will be both responsive and responsible. We are aware of other controls as well.

NIB is required to file Returns of Organization Exempt from Income Tax (990) which are available for public inspection. It has also been audited by the Internal Revenue Service several times.

The General Accounting Office's report, an extensive examination of the Act issued on September 28, 1981 states, "While it does not provide direct services for blind persons, the National Industries for the Blind has become a major force in developing employment opportunities for blind persons in associated workshops and private industry" (page 57) and further: "The Central Nonprofit Agencies serve as an effective way of linking public and private resources for administering a Federal socioeconomic program" (page 69) **[Still another interruption: Now, now, Mr. Larkin! You know that the tax returns don't show the details of your expenditures. Do they, for instance, show the \$50,000 that your witnesses admitted was paid to those Washington lawyers? Do they show how much who got for what travel and personal expenditures? Do they show whether you spent money in the Acosta California lawsuit to try to interfere in the internal affairs of NFB? And did you really give a fair picture of what GAO said? Were they shown the details of all of the expenditures? Ah, well, perhaps you were speaking figuratively—in what you might call a sort of general way. So back to your testimony.]**

The GCWB also supports continuation of the President's Committee (which NFB-

Sponsored legislation would have abolished) and its effective working relationship with the Central Nonprofit Agencies.

The President's Committee monitors the functioning of NIB through "Projection of Activity Reports" and year ending "Results of Activity Reports," as well as ongoing meetings between The Committee and NIB. **[It is a shame to interrupt you, Mr. Larkin, but really! Is this any way truly to monitor what you are doing and learn about the details of your expenditures?]** The Committee's Regulations set out the responsibilities of NIB in the JWOD Program. Neither the Regulations nor the Act restrict NIB from developing additional activities and services which enable it and the workshops to meet the primary purpose of the Act: increasing employment opportunities for blind people who have little or no vocational alternative. **[The briefest interruption of them all: Activities like spending money to fight the blind?]**

In addition, NIB files Annual Reports with the states of New York, New Jersey, Virginia, California and Missouri. These checks, and our own self interest and representation on its governing Board, satisfy GCWB that NIB is responsive to its affiliated agencies, their workers, and the goals of the Act. **[Interruption: Mr. Larkin, representation by the General Council of Workshops for the Blind has nothing to do with representing the workers. But say on, brother, say on.]**

NIB is responsible for allocating contracts among participating workshops. BISM has questioned specifically the

allocation of a paper towel item to another workshop and twice solicited support for its position from our entire membership. Let me remind you that BISM is third among all workshops in sales to the Federal Government. This particular item was developed by NIB as the first project in its Develop and Relocate Program, a program approved by the NIB Board and of which the GCWB was fully aware. The basic concept is for NIB, through its demonstration workshop, the Royal Maid Association for the Blind, Inc., to develop and implement the full production of a new item, working out all of the bugs. The item, lock, stock and barrel is then transferred to a workshop which is in desperate need of work. Such was the case with the Paper Towel which BISM so vehemently opposed. It was given to a midwest workshop (Wichita, Kansas) which was about to go under because of lack of work and severe financial difficulties. This project helped to save that agency and the jobs of many blind people. Does BISM suggest that NIB should have given it the item and let this needy workshop fend for itself?

In fact, BISM has done rather well under the NIB allocation system. **[Interruption: Mr. Larkin, has BISM done well because of NIB, or in spite of it?]** BISM had \$511,723 in sales to the Federal Government in 1975. In 1982, BISM had Government sales of \$5,674,310—a better than ten-fold increase in seven years. **[An interruption: Mr. Larkin, you are caught by your own figures. BISM wasn't doing very well before 1975. You admit it. It had worked with NIB and GCWB for many years, and it was about to go under. What happened in 1975**

**that was new, Mr. Larkin? Ralph Sanders and the NFB philosophy came to BISM. Eight years later sales have increased ten times, and no worker is paid less than the minimum wage. You have dug your own trap. You can't escape it. But back to your testimony, and lay it on them.]** As a representative of all the other workshops, both those presently producing for the Government and those struggling to do so with the assistance of NIB, I believe that BISM's complaints have no merit.

NIB has the legal responsibility for administering the day-to-day activities of the JWOD program within the Regulations and guidelines established by The Committee. The Committee and NIB can explain the technical details of the allocation procedure. From my service on the NIB Board, I know that the basis for allocations has always considered the needs of the Federal Government, the workshop's ability to produce, and the need of a community for employment opportunities for blind and multi-handicapped blind persons. **[Interruption: Mr. Larkin, has the basis also been politics, favoritism, and trying to keep the blind from organizing?]** These variables cannot be constructed into an inflexible formula. GCWB believes that NIB has acted fairly and equitably in allocating sought-after work among our members.

GCWB supports our Central Non-profit Agency, NIB, in large part because our representatives help to govern it.

Workshops are assured of vigorous representation before NIB because the GCWB has direct input into NIB's decision-making process at its highest level, the Board of Directors. NIB's Board con-



sists of 20 members; ten are representatives of the associated workshops. In addition, the President of the GCWB and two other workshop representatives serve on the Executive Committee of the NIB Board. I presently have the privilege of serving as a member of the NIB Executive Committee.

The President of the Council holds a seat on the NIB Board during his or her entire term of office. The Vice President of the Council sits on the NIB Board during the second year of office, while the Immediate Past President sits on the Board during the first year of this office. The Council and its member workshops are well represented, and can thus insure that NIB's programs and activities respond to the expressed needs of the affiliated workshops. [Again, we interrupt: Mr. Larkin, all of this talk about the cozy relationship between the leaders of some of the custodial workshops and National Industries for the Blind has nothing to do with anything, except perhaps to point up what we have been saying all along. It is the blind who are getting the short end of the stick, not the sheltered workshop bosses.] This, in turn stimulates increased and improved employment and service programs for blind and multihandicapped blind people.

The Executive Committee of the GCWB also meets regularly with the workshop members of the NIB Board and the NIB Executive Vice President makes reports to the GCWB Executive Committee. In other words, NIB cannot make unilateral decisions affecting this program. All of its present programs and future plans are closely scrutinized by, and coordinated with, duly-elected representatives

of the workshops.

Working alongside the workshop representative is the other half of the NIB Board, drawn from private citizens with a demonstrated commitment to providing employment for blind people. They bring very specific skills to the NIB Board and have given unselfishly of their time and effort to promote this program. Workshops promote industrial employment of blind citizens and are fortunate that a highly qualified representative cross-section of the community, including businessmen and professionals continue to serve on this Board. NIB's Board has always included blind citizens, from Peter J. Salmon and M. C. Migel, who signed the NIB Certificate of Incorporation in 1938, to the five blind members who presently serve. [Once more we are compelled to interrupt: Surely, Mr. Larkin, even you would not try to claim that Peter Salmon ever represented blind people. Yes he had a visual loss, but he never belonged to any organization of blind consumers (at least, none that we have ever heard of); he was never elected by any group of blind people to represent them; and he was for many years the principal spokesman for the Industrial Home for the Blind, one of the most repressive and custodial workshop agencies in the nation. As for the five blind people you say are currently on the NIB Board, examine their background and performance and see whether you really want to imply that they represent blind people or blind shop workers. Man, have you no shame at all, no respect for the truth? But back to your testimony. Lay it on us brother, lay it on.]

Considering all the communication among workshops, and with NIB and The President's Committee, one might wonder why BISM is embroiled in a legal fight with both of these organizations. Why hasn't the GCWB gone to battle for BISM, one of its members?

Simply put, BISM did not raise its concerns with GCWB (nor with NIB, nor The President's Committee). We learned after the fact that this workshop had unilaterally designated itself an enforcer of its version of the Act and withheld fees from NIB.

The Council finds it embarrassing that one member chose, until six days prior to these hearings, to ignore the free and open system of airing grievances, and instead took its unfounded complaints to the Congress. The present BISM management claims to represent other workshops for blind persons. I think it is now obvious that this is not the case. In fact, BISM does not represent workshops for blind persons, neither through its voice at these hearings nor through its performance in serving blind and multi-handicapped blind workers.

Because BISM has called attention to its own performance, and attacked that of others, it seems fair and instructive to look at that performance. Let us take key areas—wages, number of blind workers served, blind workers promoted upward—where BISM and the NFB have criticized other workshops. How have blind people fared where their employment opportunities lay with BISM?

1. BISM purports that its good management results in the payment of the minimum wage or higher. Was the closure of a Work Activities Center shortly after takeover by the present manage-

ment, thereby eliminating work opportunities for severely disabled blind retarded persons, good management?

What of the workers in the regular shop? According to its own Annual Report, BISM in 1973 employed 266 blind persons in its workshop division; in 1982, 108 blind worked there. Thus, employment of blind workers fell 59%.

During the years of the present administration at BISM (1975 to present), 220 blind persons have been terminated from employment, the great majority of whom (155) were terminated from 1976 through 1978, the initial years of Mr. Sanders' administration.

Is this the enlightened way to manage an employment program designed for people who really have no other employment option?

BISM does pay the minimum wage—to the detriment of blind people who cannot produce enough to earn it and are therefore not employed. What about the overall wage level? In 1975, wages for blind persons in direct labor were equal to 23.6% of BISM sales; in 1982, only 10.3%. It is common knowledge that inflation has wrought havoc with prices for raw materials and finished goods, but this drop is quite significant. The national average for wages for direct labor blind persons as a percentage of sales is 12.4%, or 20% better than BISM.

BISM now ranks 3rd among all workshops in sales to the Federal Government, yet it ranks 19th in average hourly wage and 10th in number of blind persons receiving a direct labor and employment service. BISM's average hourly wage for direct labor blind persons in 1982 was \$3.70 per hour. By comparison, the Seattle Lighthouse for the Blind, which operates a WAC and a sheltered workshop

in addition to its industrial level workshop, had an average hourly wage for direct labor blind persons of \$4.62 per hour.

2. Mr. Sanders was instrumental in drafting the Goldwater Bill, (H. R. 6529, Braille Monitor, September 1982). This Bill makes a strong point for upward mobility for blind persons in workshops. What is BISM's record for employing blind people outside of direct labor, where greater opportunities lie? Nationally, blind people make up 12.6% of the "other than direct labor" force. In BISM, blind people had only 6.1% of these positions in 1982, which is less than half the national average. BISM ranked 52nd of the 83 agencies which were affiliated with NIB during Fiscal Year 1982.

BISM reports no promotions of direct labor blind persons during the last three fiscal years and in fact employs fewer blind persons now (three in 1982) in "other than direct labor" than it did six years ago (eleven in 1976). I suggest BISM leaders, Mr. Sanders in particular, should practice what they preach.

3. BISM, unlike most of our membership, is fortunate in receiving State appropriations. BISM received an appropriation in Fiscal Year 1982 from the State of Maryland for \$1,176,225. This appropriation was \$1,128,844 in Fiscal Year 1981. Mr. Sanders has publicly stated that much of this subsidy is used to support rehabilitation and other service programs. Yet BISM's Statement of Support, Revenue, and Expenses, (exclusive of vending funds) for the year ended June 30, 1981 shows an unrestricted State appropriation of \$844,773 and total rehabilitation expenses of

\$414,961. Even if all rehabilitation expenses were paid from their unrestricted State appropriation, thus discounting any possible fee for service reimbursement from the State/Federal Vocation Rehabilitation System, there is still a balance of \$429,772 which may very well be supporting the workshop operation.

Looking at the problem another way, BISM's 990 for the year ended June 30, 1980 showed a gross profit of \$187,189 and a State subsidy of \$1,087,836. By my reckoning, BISM would have lost \$900,647 without the State subsidy. It seems that the workshop is sustained in large part by continual increases in its State appropriation. Members of the Committee, it is a rare workshop indeed which receives over \$1,000,000 a year in State subsidy.

GCWB believes that, at the least, BISM management is being presumptuous when it purports to represent workshops serving blind persons, that it is a model for others to follow, or that it provides adequate services for blind persons. Among other services, the present management of BISM has terminated its WAC, its Evaluation and Training Program, and its Work Study Program for senior students at the Maryland School for the Blind. The trend among other workshop programs is to add these and other services, which benefit all blind persons regardless of ability or degree of disability.

On outward mobility—another goal—BISM's current record is not as good as that of the preceding administration in placing blind people in competitive employment. For the four years 1972 through 1975, BISM reported placing 35 blind persons in competitive employment,

an average of 8.75 persons per year. In the six Sanders years, 1976 through 1982, BISM placed 47 blind persons in competitive employment, an average of 6.7 persons per year, or 2 persons fewer per year than the previous administration.

The ratio of placements to terminations, however, is improving. It appears that BISM has increased its placements because it now serves much more capable blind people whose potential is close to that of competitive sector workers—after having first cleaned its house of the severely limited blind persons. We think that serving those with problems is one of our jobs.

We in the Council, and NIB as well, are concerned with truly multi- and severely handicapped blind persons. The single largest secondary disability in the member workshops is mental retardation (729). Other singularly large secondary disabilities are mental and emotional illness (306), diabetes (259), hard of hearing and deaf (434), orthopedic (169), cardiovascular (166) and epilepsy (155). In all, 50% of all blind people employed in workshops have a secondary disability. In addition, the severity of additional disabilities is growing. In 1980, 9.7% of all direct labor blind persons had at least two handicaps in addition to blindness; by 1982, this has risen to almost 12% (11.7%).

The foregoing may be read as a critical analysis of a fellow workshop director, but GCWB members are growing tired of the attacks and the distortions of the NFB and the shop it controls, BISM. NFB has denounced almost every other group that works with the blind and

relentlessly attacked several workshops. Mine was one.

Let me give you some details about this particular unfounded attack, for it demonstrates how NFB and BISM operate. In 1979, the National Federation of the Blind instigated reports in the media that my agency, the IHB, was paying blind persons with combs. The innuendo, of course, was that people were not paid in money but in trinkets. These reports prompted the United States Department of Labor, Wage and Hour Division to conduct a compliance investigation of the IHB workshop programs. The results showed that we were in fact using higher than average piece rates, resulting in higher than legally required wages. However, combatting the negative publicity from these charges is a long-term undertaking. It caused us to spend staff time and agency dollars to defend ourselves, taking resources away from direct service for those we exist to help. This is anathema to me and any workshop director, and particularly to our Board Members, who have no vested interest, but serve only out of commitment to blind and multi-handicapped blind persons.

What about the combs? At the time of this particular attack, the IHB operated a Work Activities Center (WAC) on the grounds of a New York State institution for retarded persons, the Suffolk Developmental Center in Melville, New York. This program served Center residents, who because of blindness and retardation, as well as lack of expertise in blindness by Center staff, had been relegated to a life of little or no services. The Center and the IHB worked jointly to remedy this through the services of a WAC. People in the pro-

gram did in fact receive combs and the like as part of a well-developed behavior modification program designed with professional staff to foster individual growth. Behavior modification techniques are unquestionably some of the most progressive and result oriented treatment methods in working with an institutionalized population. All severely disabled WAC clients received every penny they earned. In addition, they were guaranteed a minimum amount of money regardless of earnings, something that is not required by law.

I have mentioned the National Federation of the Blind (NFB). Although I question this organization's true relevance to these hearings, I believe that a few remarks about it are in order. The NFB claims to be the largest organization of blind persons with a membership of 50,000. Yet, its mailing list for its publication, The Braille Monitor is only about 13,000 and includes a considerable number of persons and agencies that have no affiliation with the NFB. [Again, we interrupt: Mr. Larkin, the Monitor mailing list is considerably more than 13,000. Have you gained access to our files to prove to the contrary?] According to the Federation, each member is entitled to a free copy of the Monitor. Why the great difference in these two figures? I might add that Mr. Sanders and Mr. Jernigan have made conflicting statements regarding multiple chapter memberships which would significantly inflate membership figures. [Another interruption: It is interesting, Mr. Larkin, that you are so familiar with the details of the testimony in the Acosta lawsuit. Think about it, and see what such intimate familiarity

suggests. Incidentally, show up at our next National Convention, and you will see several thousand of those numbers which you deny exist.]

The Federation at one time or another has publicly attacked almost every major national agency and a host of local agencies in service for blind persons. These attacks have been severe and uncompromising and in my opinion simply reflect NFB's desire to dominate these agencies.

The NFB has itself been torn by strife. The American Council of the Blind is an outgrowth of an internal dispute within the Federation when, a few decades ago, some members of the Federation dared to question some of the policies and practices of the NFB leadership. [Brief interruption: Was you there, Charlie?]

The Federation has a long history of strife beginning with its removal of the blind persons who founded the ACB and continuing with the disbarment of State chapters in New Jersey, Pennsylvania, Iowa and most recently California, among others.

The California conflict is most telling. I am taking the liberty of submitting for the record a statement from the Fall 1982 issues of the Blind Californian (Some Random Impressions of the 1982 NFB National Convention, Carol Smith, San Fernando Valley Chapter). This one article, while mentioning the names of no individuals, clearly and succinctly epitomizes the perceptions, attitudes, and thoughts of one NFBer resulting from the NFB internal struggle. These words of a Federationist indicate the underlying problem faced by workshops and NIB personnel. [One more interruption: Mr. Larkin, the

article to which you refer was not written by a Federationist. It may well have been planted by people associated with you. It compares Federation leadership with Adolph Hitler and makes other slanderous statements. You tell us a great deal about your own integrity (or lack of it) by publicly admitting that you are associated with this article and that you support its viewpoint.]

One more point. The NFB leadership and that of BISM are closely aligned, if not one and the same. Mr. Kenneth Jernigan, who has been President of the NFB for over twenty years, relinquished his position for only one year during this period. Mr. Ralph Sanders served as President during the absence of Mr. Jernigan. Therefore, Mr. Sanders, as the Immediate Past President, continues to serve on the NFB Board and will continue to do so as long as Mr. Jernigan remains as President. Therefore, you have actually heard the same story twice. I am attaching copies of the Braille Monitor (September 1982, October 1982 and November 1982) which show Mr. Sanders' role in the NFB.

As mentioned earlier, Mr. Sanders, along with Mr. Gashel of the NFB was instrumental in the drafting of, and lobbying for, H.R. 6529, introduced by Congressman Barry Goldwater, Jr. in the 97th Congress. The isolation of top NFB leaders and their lack of knowledge about workshop programs was dramatically demonstrated when this legislative "solution" was introduced. All major agencies representing blind and handicapped citizens, despite long standing differences among them, rose in united opposition to this threat to workshops. [Another interruption: Mr. Larkin,

you have here put your finger on the nub of the problem. In a free society "agencies" cannot represent blind or other handicapped citizens. An agency may be good or bad, but it can only represent itself and its program. It cannot represent blind people. We speak for ourselves, and we elect our own representatives. You do not understand this, and you probably never will.]

H.R. 6529 would have eliminated the Committee for Purchase from the Blind and Other Severely Handicapped and the two Central Nonprofit Agencies and would have resulted in the closure of a large number of workshops for the blind and for the severely handicapped.

The united rejection of the NFB's bill illustrates the sharp differences between the NFB and the Council. We take seriously our responsibility to serve those unable to work elsewhere.

Contrast the Congressional testimony of Mr. Gashel, who made light of the fact that 3,000 to 4,000 blind and multi-handicapped blind people would lose their jobs if workshops were forced to pay minimum wages regardless of production. (House Subcommittee on Labor Standards, May 10, 1978). [We interrupt again: Mr. Larkin, perhaps you had better stick to your own testimony since you apparently either did not or cannot understand Mr. Gashel's.] BISM figures show what happened when the NFB philosophy was followed in its workshop.

Also attached are two fundraising letters mailed by the NFB over the signature of Mr. Sanders, both of which employ questionable methods, to say the least. The NFB has not submitted current information to either the National

Information Bureau or the Council of Better Business Bureaus, both of which have published standards for acceptable fund-raising. Both the CBBB Philanthropic Advisory Service and the National Information Bureau report that NFB refuses to submit requested information necessary to determine its compliance with standards. NFB's response, not surprisingly, has been to levy charges that the CBBB supports unethical and illegally operated organizations. I believe NFB's attitude toward those who dare to question its fundraising tactics illuminates its aggressive stance toward workshops. (I am attaching a copy of the CBBB report, dated November 1982, on the NFB).

The NFB has had significant influence in a few other workshop operations. The Center for the Blind in Philadelphia had as its last director, Mr. W. Harold Bleakley. Mr. Bleakley was an ardent supporter of the Federation. In testimony before the Subcommittee on Labor Standards of the Committee on Education and Labor on May 10, 1978 he stated that his agency was opposed to less than minimum wage payments for any blind person. He boasted that the Center always paid the minimum wage, supposedly as a result of his good management. Within a year the Center for the Blind filed for Bankruptcy, forcing the closure of one of the oldest service agencies for blind persons in the country. There was also a decrease in numbers of blind persons receiving an employment service, comparable to that at BISM, during Mr. Bleakley's tenure. Despite his views, GCWB gave Mr. Bleakley a chance to voice them; he served as a Member of our Legislative Committee after being appointed January 31, 1978.

A similar story of NFB theories running contrary to practical fact is found in the California Industries for the Blind, which operated three workshop programs and had strong Federation influence on its Board of Directors. The result of Federation infighting was eventual closing of all the shops, and, again, the loss of jobs for blind persons.

The NFB represents itself as the spokesman for "the blind", "the blind speaking in a united voice". What do blind people say? As you are aware, NIB recently conducted an extensive survey of the attitudes of the blind people served in the workshops. I urge you to take a close look at this study. These are really the people speaking for themselves. Here are the responses to one key question:

"The NFB was recognized by 75% of all respondents, a healthy figure for recognition. However, only 9% of these commented favorably while 13% had negative observations. Six percent were Federation members, probably accounting for two-thirds of the favorable comments. Strikingly, 4.5% had been members of NFB but had dropped their membership. **[We interrupt again: Be careful, Mr. Larkin. Your statistics tell more than you realize. We know of the pressure and reprisal in many of the workshops. We are currently dealing with one such workshop, the management of which told blind workers that if it could be proved they were members of the NFB, they would be fired. We have sworn affidavits. We are bringing the matter to court. Under the circumstances it is astonishing that (by your own figures) six percent of**

the workshop employees are Federation members and had the guts to tell you so and that another three percent commented favorably on NFB. One wonders what kind of price they paid for their courage. It is even more surprising that while seventy-five percent of the shop workers were aware of NFB you could only get thirteen percent to speak negatively about it. How many of that seventy-five percent do you suppose are members of NFB and simply thought it unwise to tell you? Think about your survey again, and see if you are really as proud of it as you thought you were. Think about something else: Our strength is growing, and the days of exploitation and reprisal in the workshop system are numbered. You apparently know that, which perhaps explains why you strike out with such desperation and hatred.]

Members of the Committee, I hope through my testimony and the information I have submitted for the record that it is clear that the GCWB supports The Committee and NIB in their policies and procedures governing the activities of the JWOD Act. Furthermore, we commend them for their openness, honesty and forthrightness in their relationship with the workshops and for continuing to seek ways which will increase and improve employment opportunities for blind and multi-handicapped blind persons.

I have been asked to submit suggestions on ways to improve this program. I do have a few:

1. The Department of Labor should be provided with the resources to insure proper wages for all persons, blind or otherwise, who receive an employment

service through this program. The President's Committee should require certification that participating workshops meet DOL standards and regulations. The Council believes that workshops are complying with Wage and Hour laws, but also believes that DOL monitoring needs to be strengthened.

2. The GCWB believes that minor technical changes including more clear specification of the commission fee requirement and procedures for commission adjustment be included in the Regulations of The Committee.

3. The GCWB believes that accreditation through an objective independent body such as the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, be required within a reasonable time for initial or continued allocation of Government Purchase Orders through the JWOD Program.

Members of the Committee, let me reiterate once again that the GCWB does not believe that major revision of this program is required or necessary. It has functioned exceedingly well as one of the best and most economical socioeconomic programs of the Government, and we urge that it be permitted to continue as such.

I thank you for the opportunity to present the views of the GCWB. I also invite each member to visit the varied programs and services of the IHB, particularly, or any of our member agencies. We would welcome your comments.

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Baltimore, Maryland  
May 24, 1983



The Honorable Barney Frank, Chairman  
Subcommittee on Manpower and Housing  
Committee on Government Operations  
Washington, D. C.

Dear Chairman Frank:

During the hearings on the Javits-Wagner-O'Day (JWOD) Act on May 17, 1983, before your Subcommittee, Joseph Larkin, appearing as a member of panel number III, claiming to represent the General Council of Workshops for the Blind, made a number of comments concerning the programs and services of Blind Industries and Services of Maryland (BISM). Many of Mr. Larkin's comments can be described as political rhetoric, innuendo, and smear. I have no intention of responding to all of his comments. Mr. Larkin, however, went on to purport to give the Committee specific data about the operation of BISM. For the record, I feel it is important for you and members of the Subcommittee to know that Mr. Larkin deliberately distorted and misrepresented those facts. Mr. Larkin has made the same sort of representations in public forums in the past. On at least two occasions I have privately suggested to him that he ought to cease the business of knowingly misstating the facts about the operations of BISM. Apparently, Mr. Larkin chose to ignore my suggestion. I think it is time that his behavior, and his knowing distortion of the truth before a congressional committee, be brought out in the light for all to see.

Let me say that we at BISM take a great deal of pride in our accomplishments during the last seven years. Our principal accomplishment is that we have the support of blind consumer groups in

the State, particularly those groups that we serve directly such as blind production employees, blind vending facility managers, and blind rehabilitation students. We feel no need to defend those programs, particularly not to the likes of Joseph Larkin. Since his comments and misrepresentations of the truth will be made part of the congressional record on the JWOD Act, I felt it was important for the truth to have a place in the record as well. Perhaps the most glaring example of Mr. Larkin's deliberate misrepresentations of the truth appears on page 12 of his written testimony. He writes:

BISM purports that its good management results in the payment of the minimum wage or higher. Was the closure of a Work Activities Center shortly after takeover by the present management, thereby eliminating work opportunities for severely disabled blind retarded persons, good management?

What of the workers in the regular shop? According to its own Annual Reports, BISM in 1973 employed 266 blind persons in its workshop division; in 1982, 108 blind worked there. Thus, employment of blind workers fell by 59%.

During the years of the present administration at BISM (1975 to present) 220 blind persons have been terminated from employment, the great majority of whom (155) were terminated from 1976 through 1978, the initial years of Mr. Sanders' administration.

It has long been recognized that one of the best defenses is an offense. Apparently lacking facts to support his position, Mr. Larkin seems to revert to fabrication. His claim that 220 blind

production employees have been terminated since 1976, (155 of whom were supposedly terminated between 1976 and 1978), is without any foundation in facts. Since the figures are obviously a fabrication one can only respond by saying they are simply not the truth. There is no record to substantiate any such allegation. The same can be said with regard to his quote of statistics for the number of direct labor employees on BISM's Fiscal Year 1973 NIB Annual Report. Mr. Larkin claims that there were 266 direct labor employees. The 1973 NIB Annual Report filed by BISM indicated 142 blind direct labor employees, and 10 blind persons working in a work activity center for a total of 152. How Mr. Larkin arrived at his 266 figure is unknown to us, unless it was created to justify his claim that there has been a 59% reduction in the number of blind direct labor employees since 1973. Several points about Mr. Larkin's comments are worth discussion.

His assertion that we closed our work activity center is correct. His conclusion that that caused severely multi-handicapped blind workers to lose their involvement in the programs is, however, simply not in keeping with the truth. While BISM does not utilize the work activity center, all persons who would otherwise be placed in the work activity center are now in our Industries Production Department. Neither Mr. Larkin nor any of his colleagues in the workshop field can cite a single instance when we have denied an opportunity to a blind or severely multi-handicapped blind employee to work in our Industries Division based on the individual's existing production skills. In fact, we actively recruit blind and severely multi-handi-

capped blind employees for our three plants, including blind employees from the States of Delaware, Pennsylvania, Virginia, and West Virginia, as well as from Maryland. At the time BISM ended the work activity program only one of the persons covered by the work activity certificates was terminated from employment. That individual was then 81 years of age, and in extremely poor health. The rest of the persons who were in the work activity center program were transferred into the regular Industries program. Additionally, prior to Fiscal Year 1977, BISM had a large number of persons who were involved in the work adjustment program who spent approximately 20 hours a week working on industrial contracts. These individuals were generally paid in the range of \$.10 to \$.50 per hour. They were included in the account of blind direct labor for those hours they worked on such contracts. This example demonstrates a dramatic flaw in the current reporting system for sheltered workshops for the blind and other severely handicapped making it virtually impossible for Congress or the Rehabilitation Services Administration to get a meaningful count on the direct impact of the sheltered workshop system on blind and other severely handicapped Americans. Numbers of direct labor employees alone are not sufficient to tell the whole story. The following data concerning a comparison of wages and numbers of employees from 1973 to 1982 is instructive. BISM's annual report submitted to NIB for the Fiscal Year ending June 30, 1973, includes 152 blind workers of which 142 were reported as doing direct labor and 10 doing work activities. The report indicates that 142 blind workers worked

208,303 hours (average 1,466 hours per employee) for which they were paid \$378,822 or an average of \$1.81 per hour while the 10 people in the work activities center worked 7,412 hours for which they were paid \$6,093 or \$.82 per hour. BISM's annual report for the Fiscal Year ending September 30, 1982, indicates 108 blind direct labor employees worked 194,612 hours (average 1,807 hours per employee) for which they were paid \$719,646 or \$3.70 per hour. A comparison of the blind/sighted ratio for 1973 reveals 75% blind 25% sighted while in 1982 the ratio was 79.87% blind and 20.13% sighted. Further analysis indicates in 1973 employees worked only 73% of a normal work year as a result of high personnel turnover, part-time work, or layoff while in 1982 the average employee worked 90% of a normal work year of 2,000 hours. Based on this analysis, an analysis which was available to Mr. Larkin since he claimed to have the data, Mr. Larkin obviously believes that the JWOD Program should favor part-time employment for blind and severely multi-handicapped blind employees at menial wages in deference to full-time employment at meaningful wages. It is certainly one theory one can espouse in behalf of the intent of the JWOD Act, whether it is the proper intent or not.

Following the suspension of the work activity center, we made drastic improvements in our prevocational and vocational training programs within our Rehabilitation Division. A direct comparison, based on types of services provided to blind persons by the agency between 1973 and 1982, would indicate a variance of 152 blind persons served in 1973 and a total of 651 persons served

in 1982, for an increase of 428%. Since 1977, we no longer include the large number of blind persons in our NIB Annual Report, because we believe that these services are not technically envisioned within the scope of the JWOD Program. For the record, we are not concerned with generating misleading numbers to try to justify what we do. We are frankly more concerned with quality of services than quantity. Mr. Larkin, based on his access to our various reports, had every reason to know that our numbers of blind persons served by comparable programs had increased by such dramatic numbers. He obviously chose to ignore those numbers in order to support his distortions of the truth.

Mr. Larkin attempts to make a great deal about the percentage of BISM's sales spent on wages and benefits to blind direct labor employees. Again, one has to wonder what his source of information was in reaching his figures. In fact, in 1975, giving the figures the most favorable interpretation, BISM paid 8.6% of revenues to blind direct labor employees. In Fiscal Year 1982 BISM paid 8.5% of total revenues for the Industries Division to blind direct labor employees. We do not defend our payment schedule as being exemplary. As the Committee will be aware from industry's standards, the percentage of total revenues paid to direct labor employees varies by type of commodity manufactured. As will be discussed later, it is worth noting that up through 1975 BISM had the benefit of approximately two million dollars per year in federal funds through the Title 20 Program. That funding source virtually ceased at the end of Fiscal Year 1975 because of mismanagement of federal funds by the

previous administration. Mr. Larkin has every reason to be very well aware of that fact since it was widely publicized within the field of work for the blind. Since 1975 we have had to finance our growth through internal revenue generation. Be that as it may, we are pleased to stand on our record when our record is given an honest and accurate review.

An additional classic case of deliberate misrepresentation by Mr. Larkin involves BISM's state appropriations. On page 14 he writes:

BISM, unlike most of our membership, is fortunate in receiving State appropriations. BISM received an appropriation in Fiscal Year 1982 from the State of Maryland for \$1,176,225. This appropriation was \$1,128,844 in Fiscal Year 1981. Mr. Sanders has publicly stated that much of this subsidy is used to support rehabilitation and other service programs. Yet BISM's Statement of Support, Revenue, and Expenses (exclusive of vending funds) for the year ended June 30, 1981 shows an unrestricted State appropriation of \$844,773 and total rehabilitation expenses of \$414,961.

Mr. Larkin's first statement belies the veracity of his comment. There are a number of other sheltered workshop programs for the blind in the country, who participate in the JWOD Act, who receive a direct state appropriation. In addition, however, Mr. Larkin is well aware that all of the sheltered workshop programs for the blind in this country who do not receive a direct state appropriation receive third party contracts from state vocational rehabilitation agencies, and large private contribu-

tions and bequest donations. In fact, a review of financial statements will show that the Industrial Home for the Blind, which Mr. Larkin heads up as Chief Administrative Officer, receives more per year in third party contracts, bequests, and private donations than BISM receives in state grants in terms of revenue support for the workshop programs. Mr. Larkin failed to explain that approximately \$332,000 of the state appropriation is actually dedicated to the State Department of Education for direct support of the Maryland Vending Facilities Program for the Blind, which BISM runs as a management service to the State. Of the remaining \$844,773, Mr. Larkin notes that \$414,961 was spent in direct support of the Rehabilitation Division. Of the remaining \$430,000, which was assigned to the Industries Division, a considerable amount went to support direct vocational training in rehabilitation services within that division, which is separate from the Rehabilitation Program. Be all of that as it may, as noted previously, Mr. Larkin is very well aware of the fact that all participating sheltered workshops receive large amounts of revenue from non-manufacturing sources.

On the issue of competitive placement, Mr. Larkin again clearly attempts to deliberately mislead the Subcommittee with his testimony. He claims that BISM placed a total of 35 blind individuals during the period of 1972 through 1975, while only placing a total of 47 individuals during the period of 1976 through 1982. In the first place, Mr. Larkin would have known, had he done better research, that the actual figure reported for 1972 through 1975 was 29, not 35. Be that as it may, Mr. Larkin

does not point out that during those four years (1972-1975) BISM received approximately two million dollars per year in federal Title 20 funds to support vocational training and placement. The job placement done by BISM since 1976 has been done without any outside funding support, and with no staff dedicated to that particular assignment. Additionally, the placement figures Mr. Larkin quotes are only those figures which are reported by BISM on its NIB Annual Report.

Only one additional comment by him is worth noting since it bears directly on the issue of the creditability of Mr. Larkin as a witness before a committee of the U. S. Congress, and his degree of integrity as a representative of the General Council of Workshops for the Blind. During his oral remarks Mr. Larkin alleged that BISM required employees to do the work of the National Federation of the Blind on time paid for by BISM. He went on to say that there were affidavits to prove that allegation. Mr. Larkin is very well aware of the facts on this issue. There were, in fact, two affidavits signed by two disgruntled former employees of BISM on this subject. These two individuals filed a lawsuit, in Federal court, against the President of BISM as well as against the agency. Mr. Larkin knows, but failed to report to the Committee, that the suit was dismissed on motion for summary judgment because of lack of any substantive facts to support the complaints of the two plaintiffs. In addition, I am sure that Mr. Larkin is very well aware of the fact that this issue was thoroughly investigated, at my request, by the Board of Trustees of the agency, the Governor's Office, and mem-

bers of the Maryland General Assembly. The findings of all concurred with the findings of the Federal District Court. Again, Mr. Larkin knows these facts very well, but failed to bring them to the attention of the Committee.

It is not my purpose to refute all the misrepresentations made by Mr. Larkin in his written or oral testimony. In closing I would like to invite you and other members of the Subcommittee to come and visit our Baltimore Manufacturing Plant to see our program firsthand. We would be pleased to make our records available to you in response to any question.

Sincerely,  
Ralph W. Sanders, President  
Blind Industries and Services  
of Maryland

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An aspect of Mr. Larkin's testimony that should not go unnoted deals with his comments about fundraising to the Council of Better Business Bureaus and National Information Bureau. As Monitor readers will be aware, the NEB is registered for charitable solicitations in more states than any other organization involved in the field of work with and for the blind. Each state requires the filing of detailed financial records. Note how Mr. Larkin rebuffed efforts by BISM to gain access to financial records to NIB. Keep in mind that BISM contributes approximately a quarter of a million dollars a year in income to NIB. Mr. Larkin apparently finds no difficulty in

the fact that NIB refuses to report its financial operations to anyone—Committees of Congress, the General Accounting Office, state attorney's general, the workshops that send it its income, and to the blind workers who generate the revenues for NIB's entire operation. Mr. Larkin clearly believes that it is perfectly okay for NIB to report its financial operations only to a selected handful of people who serve on its Board of Directors.

One additional observation concerning Mr. Larkin's comments about the performance of BISM is necessary. Beyond the innuendo and false statements, Joe Larkin's comments also speak clearly to the difference in philosophy between the organized blind movement, with its strong emphasis on the positive belief in the abilities of blind men and women to be meaningful partners in the full scope of American life, and that philosophy represented by NIB and the General Council of Workshops for the Blind, AFB, NAC, and yes, ACB, that the blind are really custodial wards of a benevolent society. Mr. Larkin seems to place great emphasis on the fact that BISM has not reported the promotion of a blind production employee to a supervisory position in three years. Mr. Sanders did not respond to this point as he might have. BISM stands alone among sheltered workshops for the blind in its employment record of blind persons at all levels in the organization's operation. BISM not only has a blind Chief Executive Officer, but 40% of the top administrative officers of the organization are blind persons. In addition, approximately 25% of all professional supervisory staff in the organization are blind. There is simply no other

sheltered workshop program for the blind in the country which can match BISM's record of employment of blind persons in management, professional, and supervisory levels. Of course, such an accomplishment is no doubt significant in the minds of such individuals as Mr. Larkin who clearly believed it is appropriate for the JWOD Program to place a premium on employing sighted persons to staff management, professional, and supervisory positions on the administration of the Committee, NIB and the sheltered workshops, while placing great emphasis on employing blind and severely multi-handicapped blind persons in direct labor, and occasionally in low level supervisory positions over direct labor employees.

Finally, one additional detail is worth noting. BISM has recently formed a Citizens Advisory Council, made up of distinguished community leaders from throughout Maryland. Shortly after the conclusion of the hearings in Congress, all members of the Advisory group received plain brown envelopes, distinguished by the lack of a return address, which were filled with copies of articles from the Des Moines Register from 1977 and 1978. Whoever the anonymous sender was, they obviously felt the need to cover the lack of validity or relevance of the mailing and the age of the material by omitting datelines from many of the articles. Of course, this tactic is not new. Who mailed these materials? Authorities are currently investigating in an attempt to find out. The envelopes carried a Northern Virginia postmark. NIB maintains its Washington offices in Northern Virginia. Was it NIB? Was the mailing done by the Affiliated Leadership League, which also

maintains offices in Northern Virginia. mailing.  
It is too early to tell who made the

## OF COWPOKES AND INSECURITY AND THE ACB

by Marc Maurer

In the early 1960's a popular singing group, the Limelighters, did a song called Gunslinger. This song advances a proposition that there's "no such thing as a bad cowpoke, only a sick one." When the song came out this notion was being given serious consideration by the psychologists in the Universities. Using the writing of B.F. Skinner, college professors were claiming seriously that human actions were determined not by moral choice but environment.

I don't know whether the recent actions of the American Council of the Blind (ACB) are the result of conscious and deliberate choice or a deprived childhood. However, something has definitely gone wrong. We have either a bad cowpoke or a sick one.

The Braille Forum (the official publication of the American Council of the Blind) makes an astonishing report in its March, 1983, issue. According to this report the ACB had provided a useful and meaningful service to the blind. The ACB report entitled "Blind Sheltered Workshop Workers Win Victory in Federal Court," said that the Fifth Circuit Court of Appeals had ruled that workers in the Houston Lighthouse for the Blind could be represented by a union and had a right to collective bargaining. With this decision the Fifth Circuit Court of Appeals joined with other federal courts

in confirming the right of blind workers to organize. So far, the report in the Braille Forum (although it leaves out many important details) is reasonably accurate. The same cannot be said of the material that comes next. The ACB reports (and apparently hopes that the uninformed will allow it) that with this decision the federal courts are uniformly endorsing the policy of the ACB. This progressive step in gaining rights for blind sheltered shop workers under federal law is, we are asked to believe, a vindication of the position taken by the American Council of the Blind. So reports the Forum.

This brief little article reports real progress. The American Council of the Blind is on the move. It adopts a policy in convention assembled—a policy that asserts the right of blind workers to organize in sheltered workshops. Within a few years this policy is vindicated in the federal courts. What an accomplishment! What a rigorous defense of the rights of the blind! What a striking example of the real value of the American Council of the Blind! How could anyone object to such eminently worthwhile activity? How could anyone fail to see the real progress being made?

The problem is that it didn't happen that way. The problem is that the article is filled with deceit. It is a cheap

effort to distort the truth, to mislead the unwary, and to dupe the uninformed. Truly, it is a striking example of the accomplishments of the American Council of the Blind—but not in the way they meant. To anyone who knows the facts, the American Council of the Blind seeks credit for an event with which it had no connection. It attempts, after the fact, to become associated with those who are truly successful once the outcome is sure and the risk is no more. It wraps itself in gold foil to try to look like gold. If one word is needed to describe this article, and its deception, that word is cheap. There is no depth; there is no effort; there is no history. There is nothing but an attempt to steal the work of others and take credit for the good they have accomplished. It is a pathetic attempt at self-justification. The blind know how the work was done and where the labor came from. The Cincinnati and Houston cases began seven years ago. The National Federation of the Blind helped with the organizing. Then there were the hearings before the National Labor Relations Board. We, the organized blind, had brought the first case before the National Labor Relations Board which established the right of the blind to organize in sheltered workshops. This case, Communications Workers of America vs. The Chicago Lighthouse for the Blind, was strongly supported and encouraged by the National Federation of the Blind. It stands as a landmark case in the struggle of the blind for the right to organize and to bargain collectively.

With this precedent established, we pursued the organizing in Cincinnati and Houston with vigor. Again, the National Labor Relations Board upheld the right

of blind people to bargain collectively in sheltered workshops. We created the documents which helped the board reach this decision. We supported the workers when management was trying to intimidate them. And, we presented testimony whenever we could. Shop management decided to fight the decision of the National Labor Relations Board. The cases went to court. In the Fifth Circuit we worked hard and made a good record. Nevertheless, the decision of the Fifth Circuit was a disappointment for we lost. In the Sixth Circuit Court of Appeals we were worried that the decision of the Fifth Circuit would sway the justices and make them deny us the right to organize. It did not happen. After a thorough review of the record in both the Fifth and the Sixth Circuits, the court decided that the decision in the Fifth Circuit had been incorrect. The Sixth Circuit Court of Appeals issued an order upholding the right of blind people to bargain collectively and to join unions. We demanded a reconsideration of the decision in the Fifth Circuit Court of Appeals. With our encouragement the National Labor Relations Board filed a Motion for Reconsideration. That motion was granted, and upon reconsideration the Fifth Circuit came to the same decision as the Sixth. The right of blind people to organize and bargain collectively was secure. We, the National Federation of the Blind, were in it every step of the way. We sent our representatives to help the workers whenever it was necessary. We researched the law and presented argument. We sent our lawyers to encourage and stimulate the National Labor Relations Board, and we did everything we could to provide back-up help and support. The most recent installment in



this vital and striking story of the rights of blind people upheld in the courts is reported in the May-June, 1983 issue of the Braille Monitor in an article entitled "Blind Workers Win Union in Houston: The Court of Appeals Now Has Ruled." The years of effort have paid off successfully. We have a right to be proud.

Notwithstanding the fact that the American Council of the Blind had nothing to do with the cases of the Cincinnati Association for the Blind or the Houston Lighthouse for the Blind, it claims that the work of the American Council of the Blind has been vindicated in the decision of the Fifth Circuit Court of Appeals. It is not just that the ACB had nothing to do with it, it is even worse than that, for one of the long-time principal leaders of the ACB is (and has been for several years) on the board of National Industries for the Blind, National Industries for the Blind submitted briefs, hired lawyers, and fought as hard as it could to prevent the shopworkers in Cincinnati from organizing. Moreover, the ACB (through its intimate participation in the activities of NAC and the American Foundation for the Blind) has done all that it could to keep blind shopworkers from being guaranteed the minimum wage or having any of the other rights enjoyed by sighted members of the nation's labor force. For the ACB now to claim that it is responsible for what has happened in Cincinnati and Houston is comparable to a claim from the government of Argentina that it was responsible for the British success in the Falkland Islands and that, moreover, the British victory vindicated the position which the Argentine government had always supported. To anyone who

knows the facts, the claims of the American Council of the Blind are so outlandish that they must be read to be believed. The words of the American Council of the Blind as reported in the March, 1983, issue of the Braille Forum its official publication, are as follows:

### **Blind Sheltered Workshop Workers Win Victory in Federal Court**

On January 31, 1983, the United States Court of Appeals for the Fifth Circuit issued its opinion in NLRB vs. Lighthouse for the Blind of Houston. The court's opinion reverses an earlier opinion of the same court and enforces an order of the National Labor Relations Board compelling the management of the workshop run by the Houston Lighthouse to bargain with the Union which has been elected by the workshop workers as their exclusive collective bargaining representative.

... it is now clear that the federal courts uniformly endorse the position espoused by American Council of the Blind in convention resolution 81-10: that the blind sheltered shop workers are covered by the National Labor Relations Act and have the right to choose their own representatives and bargain collectively with workshop management.

This result is a major progressive step for the rights under federal labor law of blind sheltered workshop workers. It is also vindication through federal court litigation of the progressive position previously adopted on this important issue by the American Council of the Blind.

That's what they say, and it is hard to believe. As astounding as it may seem, apparently the American Council of the Blind thinks that someone else will swallow the story that the federal courts "endorse" a position that it took. The ACB article refers to a resolution 81-10 which was adopted in 1981. These cases, the Houston case and the Cincinnati case, began in 1976, five years before the ACB considered resolution 81-10. Even so, the federal courts could have heard from the ACB at the eleventh hour, but they did not. The ACB failed to make an appearance. Not only did the federal courts not "endorse" a position of the American Council of the Blind—they never heard of the American Council of the Blind.

Furthermore, an examination of resolution 81-10 exposes the deception for what it is. The complete text of the report of the American Council of the Blind regarding resolution 81-10 is as follows "(resolution) 81-10 states that we in the American Council of the Blind espouse the view that blind workshop workers employed in the regular production program of sheltered workshops for the blind are in fact employees and not mere clients as asserted by the management of many workshops; and that as such employees, such blind workers have the right, under the provisions of the National Labor Relations Act, to organize and select their own collective bargaining representatives and to take concerted action to promote their best economic objectives. This resolution is not intended to apply to those individuals who are engaged in work activity centers or who are not employed in the regular production program of a sheltered workshop for the blind." Conspic-

uously absent in this report is any mention of the Cincinnati Association for the Blind, the Houston Lighthouse for the Blind, or any case involving them. After it had become abundantly clear that the National Federation of the Blind was well on the way to establishing with finality the right of blind people to organize and bargain collectively, the American Council of the Blind in an effort to save face adopted resolution 81-10. This resolution "espoused" as the American Council of the Blind put it, the right of blind workers to bargain collectively. This right had already been established by the National Labor Relations Board and was in the process of being reaffirmed by the Courts. The American Council of the Blind is, as always, a bit too little and a lot too late.

Resolution 81-10 doesn't merely fail to mention the Houston Lighthouse and the Cincinnati Association for the Blind. It goes further. It declares the policy of the American Council of the Blind that sheltered workshop workers may bargain collectively for the "best economic objective." This is a curious way to support the workers. The minimum wage is not guaranteed. Equality with sighted workers is not sought. There is no mention of union scale wages. The workers may bargain for their "best economic objective." The American Council of the Blind has made it clear that this objective is not even the minimum wage. Resolution 81-10 is as lacking in substance as the American Council of the Blind. On the one hand it says that blind workers may organize. On the other hand this doesn't even mean the minimum wage.

Of course, it is easy to see that the

adoption of resolution 81-10 by the American Council of the Blind is nothing but window dressing. For years the American Council of the Blind has taken the position that blind shop workers do not have the same rights as sighted workers. The American Council of the Blind has been the tool of the agency structure and the spokesman for agency management. The evidence of the inconsistency, the double talk, and the duplicitist character of the American Council of the Blind is contained in the 1978 report of the Affiliated Leadership League of and for the Blind (ALL) Delegate Assembly.

The American Council of the Blind as a tool of the reactionary agency administrators helped to form the Affiliated Leadership League. Because of the large number of ACB affiliates that are members of ALL, the American Council of the Blind has a most substantial (perhaps controlling) voice in the ALL Delegate Assembly. Furthermore, the Affiliated Leadership League has declared pompously that it operates by a system of consensus. Because there are so many ACB affiliates in ALL operating by consensus, the actions of ALL represent the considered judgment of the American Council of the Blind. In 1978 the ALL Delegate Assembly adopted resolutions regarding minimum wage legislation for the blind and the right of blind workers to organize. The Affiliated Leadership League reported the actions of the Delegate Assembly in its official publication, the All-O-Gram. It is worth recording the exact words from the All-O-Gram. This is what they said:

In recognition of the value of work-study programs and expanded rehabilitative services for the multiply han-

dicapped blind, the ALL Delegate Assembly passed resolutions opposing H.B. 8104. (sic) The delegataes recommended that the National Labor Relations Board recognize the unique nature of providing work opportunities for those with limited capabilities as part of the total rehabilitative process.

(Note: H.R. 8104 was the minimum wage for the blind bill in 1978.) Such is the opinion of the Affiliated Leadership League and such is the opinion of the American Council of the Blind. The workers in sheltered workshops (the blind employees) have limited capabilities. The National Labor Relations Board should recognize the unique nature of providing work opportunities for these unfortunate people.

But this is not all. The American Council of the Blind has even more recently opposed the right of blind people to work under the same conditions that are available to the sighted. In a letter dated February 11, 1982, to Senator Paul E. Tsongas of Massachusetts the American Council of the Blind urged that the minimum wage legislation for the blind not be adopted. The ACB said that this matter of providing work to blind people was extraordinarily complex. It wasn't simply a matter of paying a fair day's wage for a fair day's work, but something much more profound. The profundity of the declarations of the American Council of the Blind is easy to see. As they said in that letter, 75% of the minimum wage should be established as a floor for the payment of blind workers. Seventy-five percent of equality is good enough for the blind. How pathetic, and how cheap.

Finally, as Federationists know, the

American Council of the Blind is a staunch supporter of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC). Remember the article in the March, 1983, Braille Monitor, "Nac Gets An Answer." In that article the declaration of the President of the American Council of the Blind, Grant Mack, was reported for all to see. The American Council of the Blind would no longer tolerate the failure of agencies for the blind to seek NAC accreditation. The ACB would take all steps to be sure that agencies for the blind sought and achieved accreditation. But, as Federationists also know, NAC accreditation permits (and perhaps encourages) agencies for the blind to pay less than the minimum wage.

There it is. The American Council of the Blind thinks 75% of the minimum wage is good enough. Through the Affiliated Leadership League it opposes the right of blind sheltered shop workers to organize. It supports NAC, which accredits

agencies that pay less than the minimum wage. It never appears in defense of blind workers in the cases where the battle is fought. Yet, the need for self-aggrandizement is there. The ACB much show that it has done something. So, when the work is all done, when the risks have been taken, when the hard fight is fought, when the battle is won, there is the ACB. It wants to have a good reputation. It wants to have done something useful. It wants to be known as an organization that really does help blind people. It just doesn't want to pay the price. This leads to insecurity. Ultimately, it makes the ACB claim credit for work that it never did. It makes the ACB claim victory when the National Federation of the Blind wins the right for sheltered workshop workers to organize. Some would call it plagiarism. Some would call it prevarication. Some would call it trickery. Some just call it the ACB. As the song says there's no such thing as a bad cowpoke only a sick one.

## SHELTERED WORKSHOPS AND THE WAGNER-O'DAY ACT:

### ISSUES AND ANSWERS ON THE RECORD

by James Gashel

The Subcommittee on Manpower and Housing of the United States House of Representatives has legislative and oversight responsibility for matters concerning employment of the blind and severely handicapped in sheltered workshops. The Chairman is Representative Barney Frank, Democrat of Massachusetts. The ranking

Republican is the Honorable John McKernan of Maine. This is a subcommittee of the House Committee on Government Operations.

The Subcommittee has primary jurisdiction over a law known as the Wagner-O'Day Act of 1938, as amended. This is also referred to as the Javits-Wagner-

O'Day Act, by virtue of amendments (sponsored by Senator Jacob Javits in 1971) adding employment of the severely handicapped to the program which had formerly been limited to workshops employing the blind. In the years since 1971, Congress has acted only once to amend the law by making changes of a more or less technical nature. This came in 1974.

Much has changed in sheltered workshops and in Congress since 1974. We, too, (the blind) have also changed. There is a growing recognition that we, the blind, are as much entitled to enjoy certain basic rights as those accorded to other groups of citizens. We have helped to establish broader acceptance of these rights. In the process, we, too, have grown in understanding and perspective; not to mention the organizational skill to communicate our views effectively. All of this has played a part as Congress has begun to consider what policies and employment practices the federal government should promote in its relations with the sheltered workshops.

Federal involvement in workshops employing the blind and severely handicapped is substantial. Government purchases of products and services from the shops are made through special arrangements authorized by the Wagner-O'Day Act. During fiscal year 1984, it is expected that workshop sales to the federal government will exceed \$200 million, the largest portion of this being sales from shops employing the blind, affiliated with National Industries for the Blind (NIB). In view of this sales volume, it is fair to say that federal policy, expressed in the Wagner-O'Day Act and related administra-

tive regulations, substantially determines how the workshops will operate, what employment opportunities will be offered to the blind, and what conditions of employment will prevail.

Congress has the ultimate responsibility for deciding what employment policies will be followed by sheltered workshops who want to do business with the government under the auspices of the Wagner-O'Day Act. This is first the responsibility of the Subcommittee on Manpower and Housing, which conducted two days of hearings on May 17 and 18, 1983. What occurred in this proceeding is a matter of public record—a record which Congress can now use as the basis for additional action, including the development of new legislation.

The National Federation of the Blind was in the spotlight. Our efforts to obtain fair treatment and better employment conditions for blind people in sheltered workshops are well known and have not gone unnoticed by responsible Congressional leaders. Thus, we were asked to present the opening statement following preliminary matters involved in convening the hearing and a brief appearance by Mississippi Representative Wayne Dowdy. The position we took was that Congress should amend the law to provide better employment opportunities, fair employment practices, and administrative accountability in the Javits-Wagner-O'Day Program. The remarks, as they were actually given, are reprinted in this article. A copy of the written testimony, submitted to the Subcommittee in advance of the hearing (as required) is available from the National Office. For readers who are more or less unfamiliar with the technicalities of how the Javits-Wagner-O'Day Program oper-

ates, we offer a few words of background. This will be followed by the text of our remarks as they were actually presented to the Subcommittee.

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The idea of the Wagner-O'Day Act is to stimulate certain employment opportunities for the blind and severely handicapped. The workshops qualify to sell to the government without competition if 75% of the direct labor hours represents work done by blind or severely handicapped employees and if the workshop can meet specifications for supplying items which are published on a procurement list prepared by a federal agency known as the Committee for Purchase from the Blind and Other Severely Handicapped.

Administrative responsibilities under the Act are divided between the Committee and two designated central nonprofit agencies (CNAs), known as National Industries for the Blind (NIB) and National Industries for the Severely Handicapped (NISH). Approximately 225 workshops are currently eligible to participate in this program. This is about 10% of the roughly 2,000 workshops (most of them employing the severely handicapped). The price paid by the government for procurements from the workshops normally exceeds the lowest competitive bid price in order to cover workshop administrative costs and commission fees paid by the workshops to the CNAs. The commissions (usually 4%, but sometimes 10%) represent the funding mechanism for the CNAs.

Other than the 75% direct labor hours requirement, the Act has no mechanisms for promoting jobs for the blind and handicapped in the workshops. Nor is

there any requirement that rights of workers to organize to improve their wages and working conditions be observed. Thus, federal orders will continue to flow to workshops regardless of their compliance (or lack thereof) with labor standards expressed in other laws and policies regarding federal contracts.

Although the Act received some attention by Congress in 1971 and again in 1974, issues concerning the type of employment opportunities to be promoted and the conditions of employment which should exist in workshops were not addressed. Important technical issues such as the funding scheme for NIB and NISH were also not a matter of concern to Congress on these occasions. But the hearing in May of 1983 was different. This was evident from the invitation issued by the Subcommittee to prospective witnesses. The request was for comments and recommendations regarding statutory changes and an assessment of how the Central Nonprofit Agencies (CNAs) were meeting their responsibilities for administration and supervision of the program. The issues of interest to the Subcommittee were clarified as the hearing proceeded. Here is how it began with our opening statement, as it was actually delivered on the morning of May 17.

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**Statement of James Gashel,  
Director of Governmental Affairs,  
National Federation of the Blind**

Mr. Gashel: Thank you, Mr. Chairman. My name is James Gashel. I am Director

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of Governmental Affairs for the National Federation of the Blind.

Just by way of introduction, I would like to say a word or two about our organization as it relates to the Javits-Wagner-O'Day program. We are the rank and file blind. Most of us who work in sheltered workshops are direct labor jobs. Only a few among us hold management interest or supervisory positions.

We are not an association of managers of sheltered workshops, in short. Our common bond as blind people comes from the impact of the social attitudes about blindness. Those attitudes have an impact on our lives, and in part that attitude brings us here this morning.

Mr. Chairman, I have submitted a written statement for the record, and I would ask that it appear in full in the record, and I will summarize it.

Mr. Frank: Without objection, a copy of your entire prepared statement will be inserted in the record at this point.

Mr. Gashel: The Wagner-O'Day Act is almost 45 years of age at this point. By and large its employment policy and administrative processes are still what they were in 1938. We, too, commend the subcommittee and you, Mr. Chairman, for calling these hearings this morning to examine the current program and its administrative agencies. Hopefully, your reassessment will probe further than the management interests so that you can fashion a modern, fair policy for the employment of blind and severely handicapped persons in sheltered workshops.

Here are some of the specific areas we hope you will examine and the questions we hope you will ask.

Should the Wagner-O'Day Act continue to promote only direct labor jobs? Why this limitation? It is not that these

jobs should be eliminated from the program, but rather why shouldn't the concept be expanded to provide more jobs for unemployed blind and handicapped people? We say that the impact of the current direct labor policy is to place a disproportionate number of us in the direct labor jobs.

Ask the workshops what they have blind people do. If you find, as we have found, that there is a disproportionate number in the direct labor positions, then what we ask is that you develop a new standard in the law to stimulate greater employment opportunities for us at all levels in the work force, including management and supervisory positions, not direct labor positions, as well as direct labor positions.

Number two, does the Act's silence on pay and fringe benefits criteria assure a fair distribution of these benefits in the program for blind and handicapped workers? Isn't it disturbing that the greatest percentage of the pay and fringe benefits in many workshops actually goes to sighted, non-handicapped people?

Consider the example of Arizona Industries for the Blind where the sighted are a majority of the employees, but not by far. However, at the same time the sighted, not the blind, receive nearly three times the wages that the blind receive in that industry.

Is this what Congress expects the Wagner-O'Day program to be? Ask the workshops about their pay distribution. Are we covered by sick leave, by health insurance plans, by retirement pensions, by workers compensation, by unemployment compensation? The sighted people who work in the workshops are, but in many instances the blind are not.

This is the result of a policy which creates a distinction between direct labor workers and nonlabor staff. Is this fair? Is it right? Is it what the law intended?

Number three, does the Act's silence on promoting jobs in competitive industry contribute to the failure of the program to help us get employment outside of the sheltered workshops? How could this problem best be addressed? Should workshops be required to take positive steps to help us get jobs in the competitive labor force? Would promoting the establishment of handicapped-owned and operated businesses help to accomplish this?

Number four, does the Act's silence on employment criteria for the central non-profit administering agencies contribute to their non-employment of us? What is the employment record of the central non-profit administering agencies, NIB and NISH? Is it really true that out of its 70 employees NIB has only two who are blind? How can we justify this if we place strict employment quotas on the sheltered workshops?

Number five, should the Act include requirements to protect the rights of workers for the enforcement of labor standards and labor laws? The classic example in this area is NIB's resistance of orders of the National Labor Relations Board in Houston, Texas and Cincinnati, Ohio.

Does the administering committee of this program have the authority to permit NIB to use its Federal revenues in this manner against the interest of blind workers who have voted for labor unions? Does the scope of NIB's authority under the Act permit it to engage in conflict with Federal labor authorities

such as the National Labor Relations Board?

Wage violations are also commonplace in the workshops, according to GAO and the Department of Labor. Can the administering agencies resist orders of the Secretary of Labor concerning wage and hour violations as NIB resisted the National Labor Relations Board?

Number six, should the Act provide for greater Federal policy leadership and coordination with other employment efforts on behalf of the blind and handicapped? Does the scope of the central non-profit agencies' authority to facilitate the distribution of government orders permit extensive delegation by the Committee for Purchase from the Blind and Other Severely Handicapped to the CNAs as GAO has indicated there might be serious questions about?

What policy leadership is exercised by the Committee? How could this be strengthened?

Number seven, and finally, should the Act provide for a more direct means of funding this program? Why shouldn't Congress and the public examine the budgets of the central non-profit agencies annually?

NIB told the General Accounting Office that it opposed annual budget reviews by the administering Committee. However, even if the Committee did conduct budget reviews, would they be done in front of the public as we do it here in Congress?

The Committee says that it is not subject to the Government in the Sunshine Act. Why not? We say that the administrative processes of this program should take place in the open with the same requirements applicable to this program as are applicable to other Federal programs. Wouldn't this be respon-



sible management?

Mr. Chairman, this overview of the principal issues emerging in the Javits-Wagner-O'Day program testifies really to the need for this hearing and for follow-up legislative action. Again, we hope that your examination of this program will probe these issues thoroughly.

We have several recommendations, and they are in the printed statement, and you can read them. Employment of the blind and handicapped has undergone massive change with affirmative action laws and new technology. Now it is time for Congress to update the Wagner-O'Day Act to take advantage of these trends.

Let there be no fear and trembling. We can promote fair and better employment opportunities for the blind and handicapped without destroying this program. Fair work opportunities will not hurt. They will only help.

Thank you, Mr. Chairman.

Mr. Frank: Thank you, Mr. Gashel.

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Ralph Sanders, President of Blind Industries and Services of Maryland (BISM), was the next witness to appear before the Subcommittee. The issue raised by BISM was NIB's failure to fulfill its responsibilities toward the workshops in an effective and fair manner. Early in June, 1982, BISM stopped paying commission fees to NIB and placed the funds (nearly \$100,000 at that point) in escrow. This was BISM's only recourse to obtain financial accountability by NIB for expending the Commission funds on campaigns against the blind, such as fighting the organizing of labor unions in other workshops. Mr.

Sanders explained the legal difficulties surrounding the current financing scheme used for NIB. He pointed to the fact that the Wagner-O'Day Act does not even authorize a commission to be charged either to the government or to the workshops participating in the program.

Then came Fred Banks, Executive Director of Kentucky Industries for the Blind. He, too, had problems with NIB. The issue here was NIB's failure to allocate orders to Kentucky Industries and to provide them with technical assistance. The testimony struck at the heart of NIB's contention that it effectively serves smaller workshops and assures all of its affiliates the know-how necessary to expand their sales to the federal government. Mr. Banks explained that, despite the long history of his agency's involvement in the Javits-Wagner-O'Day Program, more than thirty years had passed since NIB assigned Kentucky Industries a new product or service to sell to the federal government.

The hearing of May 17 proceeded with panels of organizations, workshop directors, and even some shopworkers, themselves. As the testimony came into the record, it became more and more apparent that Congress should take action to revise the standards and requirements of the Wagner-O'Day Act, as well as to tighten up its administration. Many witnesses attempted to avoid the suggestion that statutory changes would be necessary by prefacing their recommendations with the caveat that they were asking for administrative changes only. It was at this point that Chairman Frank admonished a group of witnesses (which included Oral Miller, representing the American Council of the Blind) not to be

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so defensive about Congressional action. The Chairman wondered aloud if the witnesses were suggesting that Congress was incapable of acting responsibly to amend what it had created in the first place. He reminded the witnesses that "Javits, Wagner, and O'Day (all framers of various parts of the original act and its subsequent amendments) had been members of Congress, not the Administration."

Speaking of the American Council of the Blind, the statement presented by ACB's National Representative, Oral Miller, was about what you might expect. Mr. Miller's testimony, in fact, underscores what we have often said about the Council, that it is a company union, pure and simple.

Consider the ACB recommendations. The first one was that wages of shopworkers should be increased, but not too much. This was a restatement of the Council's position that the 50% subminimum wage now permitted in regular workshops should be increased to 75% of the federal minimum wage. This ACB proposal, that 75% of the minimum is actually good enough for the blind, is an "equitable" approach according to Mr. Miller. To quote his exact words: "This approach is far more equitable than an amendment ... which would require payment of at least 100% of the statutory minimum wage to all blind workers, without regard to individual productivity. Payment of minimum wage to all blind workers, without regard to productivity, may be economically impossible for some workshops and would certainly discriminate against the less productive, generically handicapped workers, unless that group was similarly benefited," Mr. Miller said. So this is merely another way of stating the argument for the workshops. The

problem is the unproductive blind, according to ACB. Never mind that well-managed workshops have already demonstrated their ability to pay minimum wage and more. Also, what about the fact that workshops for the blind produced over \$190 million in products during Fiscal Year 1982, alone? Are these the unproductive blind that the ACB is talking about?

One of the ACB recommendations did address the issue of employment opportunities for the blind in jobs other than those now classified as direct labor. But here again, Mr. Miller took a middle ground. On the face of it, the testimony acknowledged the fact that the current policy of the Wagner-O'Day Act, to promote jobs for the blind only in direct labor, is a limitation. This is exactly what we said it was. But rather than arguing that the policy should be expanded to require employment of the blind in all types of jobs throughout a sheltered workshop, ACB suggested only that a workshop should not be penalized for promoting a direct-labor worker into management. This would be done by continuing to regard the blind manager as a direct-labor worker and counting the hours accordingly. What a concept! A blind worker who becomes a supervisor (even the company president) is still counted as a worker so that the shop can continue to receive its federal contracts. Is this really a promotion, or a classic sellout? Why should the blind be limited to a category classified as "direct labor," while the sighted may be managers or supervisors? Talk about discrimination; this is what that proposal is all about. Why not make a more basic change in the law to require employment of blind persons in all types

of positions in a workshop? This is what the NFB is all about and what we intend to fight for.

So much for the testimony of ACB. As a concluding note, the record reveals that the testimony presented by Mr. Miller is silent on the question of whether blind employees should have the right to organize and bargain with the workshops. Omission of any comment about this is evidence enough for concluding that ACB simply does not care (at least very much) about defending such rights which are fundamental to the blind. But even more, the failure to mention the issue of labor organizing calls into question the Council's claims of advocacy on behalf of the blind in the cases of Cincinnati and Houston. More will be said on this in another article elsewhere in this issue. Further evidence of ACB's limited concern with the problems of the blind in workshops may be drawn from the fact that throughout the week of this historic hearing, callers to the Council's legislative hotline (advertised as "The Washington Connection") were told nothing of the historic proceedings taking place. Rather, the message described a fair housing bill primarily designed to protect minorities and not specifically aimed at the problems of the blind at all. Could this have been an oversight?

The first day's hearing concluded with the panel of shopworkers. One witness, Ella Fleming of Little Rock, Arkansas, attracted the greatest attention when she described conditions at the lighthouse in Little Rock and explained how the managers had told the blind they would not be allowed to have a labor union. Chairman Frank seemed much annoyed that any workshop would express

such a position (at least openly). He asked Mrs. Fleming for the details. She responded that the executive director (a man named Billy Day) had told the workers at the lighthouse that they could not organize a labor union. Then, the Chairman (with a note of surprise in his voice) asked "what did he say?" To which Mrs. Fleming responded "he told us that if we organized a union the place would be closed up tight as a jug." No statement, opposing labor unions to represent the blind in workshops, could have been more definite. The testimony of Ella Fleming left no doubt that change is needed in the law.

Now we come to the second day of the hearing, where the agenda involved testimony from the agencies responsible for administering the Javits-Wagner-O'Day Program. NIB was the principal attraction. The issue of minimum wage became a major sticking point for NIB during this session when Chairman Frank expressed an interest in knowing the procedures used by the United States Department of Labor to assure that handicapped workers get the pay which they are entitled to receive in the workshops. The dialogue between Chairman Frank and various representatives of NIB who attempted to satisfy him on this issue provided a rare insight into the absolute, arbitrary, and unfair nature of the present system. NIB's own representatives (principally Harold Richterman, Director of Rehabilitation) were baffled by a straightforward question from the Chairman. Yet, they have the gall to tell us that the system of subminimum wages (unmonitored by virtually anyone outside of the workshops) is fair. But, the evidence now in the record shows it to be otherwise. Here are the questions and

answers:

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Mr. Frank: My question is this, Mr. Richterman: You give them (the Department of Labor) the average earnings. How do they then determine whether or not exemptions should be granted? What's the criteria?

Mr. Richterman: That might be addressed to the Department of Labor, but I know they do come in and examine the individual's records.

Mr. Frank: I understand. But there must be some basis. You said NIB also does it. How do you decide? I assume an exemption has to be based on the argument that this particular individual is, because of the severity of his or her handicap, incapable of justifying the wage that's set in the rules. What process does the Labor Department use to decide whether or not that's accurate or do they just take your word for it?

Mr. Richterman: As I say, you might address that to the Department of Labor but I can tell you from my experience they come into the shop. They look at the earnings record of the individual. They look at the certificate under which he is being paid and they look to see if ...

Mr. Frank: But Mr. Richterman, you're saying that there's one level of compliance which is, given that a certificate says this individual should be paid that much, they check to see if that's O.K. But there is another question. By what basis did they decide that a certificate of exemption is, in fact, justified for that individual? I want to know how does NIB determine that. You say you have a compliance board. Do you

check to see whether or not when they ask for an exemption it's a justified request for an exemption?

Mr. Richterman: The NIB Compliance Department, when it visits the shops, checks the earnings of that individual. Now, is that the answer?

Mr. Frank: Mr. Richterman, there was one question which is: Given what the individual is supposed to be paid according to the certificate is he or she in fact being paid that? Let's forget that one for a few minutes. O.K.?

Mr. Richterman: Fine.

Mr. Frank: Second question. How do you determine whether or not in a particular case that individual ought to be covered by a certificate of exemption? And, how do you determine whether that individual ought, in fact, to be paid less than otherwise he or she would be paid without approval of the certificate? Now, how do you deal with that? That's irrelevant to the earnings record. Because the earnings record is whether or not you comply with the certificate. The question is: How do you decide when a certificate should be issued and who checks up to make sure that the certificates are being issued correctly?

Mr. Richterman: O.K. Let us take an example. A shop has a shop certificate, as an example, of \$2.00 an hour from the Department of Labor. It means that they can pay no one in that shop less than \$2.00 an hour. The shop has an individual, again as an example, who is earning \$1.50 an hour. The shop says in effect we must get an individual certificate on this person in order to keep him in employment because we cannot continue to supplement him fifty cents an hour. They will then send the letter to the Department of Labor outlining this individ-

ual's earnings. The Department of Labor receives this. Now, I don't know the mechanics of that. But it is reviewed. They normally will get a letter back approving the certificate based on the information which the shop has provided.

Mr. Frank: I'm going to have to ask somebody else. I am disturbed that I can't get an answer. Mr. Kolle, Mr. Mertz, (referring to NIB's board chairman and executive director, respectively) I hope you can understand the question.

Mr. Kolle: You're talking about the criteria used to determine whether a person is a \$1.50 earner or a \$1.00 earner?

Mr. Frank: Yes. At some point you have to get permission from the Labor Department to pay this individual less than the norm. It is sounding to me like it's almost automatic. I need to get some ...

Mr. Richterman: No sir, no sir.

Mr. Frank: Mr. Richterman, I beg your pardon, but I don't want further discussions with you. You simply aren't getting the question. Mr. Mertz, Mr. Kolle, I'm surprised that this is a difficult question. It seems to be, frankly, a very straightforward one. We have a provision in the law that you can give an individual exemption. And I'm just trying to find out how you decide who should or shouldn't get it ...

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The most incredible thing about this entire dialogue is the fact that the principal representatives of NIB, individuals who hold themselves out as "experts" in all matters involving the workshops (including wage payment requirements) could not explain how a

blind worker can be sure of receiving the pay to which he or she is actually entitled by the law. Yet, these people are supposed to be the experts. They tell us how much they believe in their own system and how fair it is to the blind. Still, they cannot provide even the simplest explanation of how it operates. What a commentary—NIB unable to respond, baffled by the question of how do we know that workers are getting what they actually have earned.

But the minimum wage question was not the only stumbling block for the witnesses who represented NIB. It was probably inevitable that sooner or later they would have to answer for the record as to the propriety of using their federal revenues to resist labor organizing in the sheltered workshops. This line of questioning beginning with a question from the ranking minority member, Mr. McKernan, proceeded as follows:

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Mr. McKernan: One final area I'd like to have you comment on was the criticism yesterday that you'd used some of your commission fees, or you do use your commission fees to pay for litigation against the right of the blind workers to organize. I wonder if you would want to comment on that.

Mr. Kolle: I would like very much to comment on that. We did in our prepared statement attack this problem and indicated exactly what the position of NIB is. NIB supplies services to the blind workshops to a degree because we start those services ourselves where we see a need or but more importantly as the workshops come to us and say there is a need. In 1978, we were informed that one

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of the shops was being organized by the Teamsters Union, and the General Council of Workshops came to NIB and said this is an area where we have absolutely no experience. We have no skills in-house in our shops to contend with this problem and would you help us. They asked if we would conduct seminars which we did and if we would provide them with legal advice on the technicalities of the National Labor Relations Act, because they had absolutely no in-house ability to handle it. We did this. We took no particular position with respect to whether unions are good, bad, or indifferent. We simply supplied services. We hired Washington counsel to act as a center so that any workshop which was being approached by a union and had NLRA problems could call that counsel and say what can I do, what can I not do now that I am getting into a unionization atmosphere. So, we entirely supplied service of an advisory nature to the workshops. I think the justification of our filing an amicus curiae brief in one of the cases resulted or was found in that two of the circuits—the Cincinnati circuit and the one in Houston—initially disagreed about whether employees in a blind workshop could be subject to the collective bargaining process.

Mr. Frank: Mr. Kolle, I'd like to pick up—you mentioned that there is currently a disagreement between circuits on whether or not workshop employees are covered by the NLRA or has that been resolved.

Mr. Kolle: No sir. There was the circuit in Cincinnati ruled that the ...

Mr. Frank: What's the current status of the law? That disagreements still exist or has it been resolved?

Mr. Kolle: It no longer exists. It did for about a year and then there were rehearings. The Cincinnati circuit changed its original opinion and went along with the Houston circuit indicating that they consider blind workers as employees—not as clients. That's what the controversy was.

Mr. Frank: They are eligible. Who would maintain that they were clients and not employees?

Mr. Kolle: The workshops.

Mr. Frank: Was the office of counsel that you mentioned in existence at that time?

Mr. Kolle: Excuse me?

Mr. Frank: The counsel that you established at the NIB to provide assistance to your workshops. Were they a participant at that time? Were they in existence when that position was taken?

Mr. Kolle: Oh, yes. It was an outside lawfirm.

Mr. Frank: You said that you provided your funds to make their assistance available, as I understand it.

Mr. Kolle: Yes, to the shops.

Mr. Frank: NIB funds paid the legal fees for counsel?

Mr. Kolle: Yes sir.

Mr. Frank: So, was NIB then maintaining that the people in the workshops were clients and not employees?

Mr. Kolle: Yes sir.

Mr. Frank: That seems a little bit inconsistent with much of the way this program has been described to me. Is that still your opinion that we should have policies to treat the people in the workshops more as clients than employees?

Mr. Kolle: Yes, that is our position ...

Mr. Frank: How much are the fees of

the outside counsel that you pay in terms of labor relations? Have you got a rough figure of that?

Mr. Kolle: Yes. Over, this was a period of five years, it averaged about \$10,000 a year for the five-year period, 1978 to the present.

Mr. Frank: And that's a continuing level of activity?

Mr. Kolle: It has pretty well tailed off now since it has been settled. Since the two circuits finally got together on what their decision was.

Mr. Frank: I see. So most of the activity was in litigating the question as to whether or not they were covered by the NLRA? ...

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My what a strange bit of testimony! Consider what NIB is attempting to say. This business of hiring lawyers to file briefs before the National Labor Relations Board and in the federal courts is nothing more than a "service." But what a service indeed! NIB says that the lawyers took no position as to whether unions are "good, bad, or indifferent," only that they are not good for blind people who want to organize with them. After all, this is the net effect of NIB's position that the blind are clients, not employees. Since the National Labor Relations Act only covers employees, not clients, the way for NIB to prevent the blind from having unions is to argue that they are not entitled to them. Regardless of all of its sophistry to the contrary, the facts show that this is precisely the argument which was made by NIB, an argument which has now been rejected by the National Labor Relations Board, two circuit

Courts, and the U.S. Supreme Court.

As the hearing further developed, Chairman Frank persisted in his curiosity about the propriety of NIB's involvement in resisting union activities in the workshops employing the blind. He openly expressed concern that public money was being used to block collective bargaining. He pressed this point to such an extent that the NIB witnesses finally sought refuge in the defense that the services of their counsel would also be available to the blind shopworkers. This is a mind-boggling proposal, considering the fact that both NIB and its lawyers have already concluded that the blind are not covered by the National Labor Relations Act. It goes without saying that you do not need a law degree from Harvard to understand the implications of this plan. Even General Motors would probably be glad to provide "legal services" to the United Autoworkers Union. After all, wouldn't this be an ideal approach to resolving labor management disputes? Just turn it all over to one side (management) and the problem will take care of itself in a hurry. The proposal is laughable on the face of it.

Under the circumstances, it was not surprising that Chairman Frank continued to press the point when witnesses from the Committee for Purchase from the Blind and Other Severely Handicapped appeared before him. This provided a moment of historic and lasting significance in this hearing. The dialogue between Mr. Frank and General Charles Fletcher, Executive Director of the Committee, is brief and to the point. Here it is:

Mr. Frank: Let me just ask you with regard to the question of collective

bargaining representation, particularly, say in those productivity oriented workshops. What would your view be with regard to that?

Mr. Fletcher: As I understand it, the NLRB has made rulings with regard to workshops on both sides of the issue. That is, they have ruled in the case of at least one Goodwill Workshop that they were not subject to NLRB.

Mr. Frank: I ask with regard to that specific category you talked about—the productivity-oriented workshops for the blind.

Mr. Fletcher: Frankly, there's no question in my mind but they should be covered by it.

Mr. Frank: They should be employees and should be allowed.

Mr. Fletcher: Certainly.

Mr. Frank: Would you think it appropriate for commission funds to be used for lawyers to block their effort to organize?

Mr. Fletcher: To block their effort?

Mr. Frank: To oppose their efforts to organize. To have a lawyer hired who, with commission funds, would participate in an effort to thwart the organizing drive.

Mr. Fletcher: I think it would be improper.

Mr. Frank: Thank you.

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Just consider the significance of these questions and brief but definite answers. NIB has argued before the National Labor Relations Board and in the federal courts that the blind people who work in its affiliated shops are clients, not employees at all. This is to bolster the argument that unions

should not represent the workers since they are not employees as that term is commonly used and understood in the National Labor Relations Act. But, now, the executive director of the administering federal agency has stated for the public record that he regards the workers as employees and apparently has no doubt about it. Moreover, he admitted that it would be improper for NIB to use its commission revenues to hire attorneys who attempted to block the formation of collective bargaining units in the workshops. But, of course, this is exactly what NIB did. In fact, the witnesses admitted to having spent at least \$50,000 (80% of its federal commission funds) in litigating against the blind who regarded themselves as employees. The net effect of Mr. Fletcher's testimony is to put to rest forever NIB's contention that the blind should not have collective bargaining since, according to NIB, it would destroy the "special relationship" between the workshops and their "clients." But, now we have it squarely stated for the record—the blind workers are employees and if they want to do so, they should have the right to organize. What a tremendous breakthrough. The speaker was the foremost staff official of the federal administering agency. His committee is responsible for overseeing the activities of NIB and assuring that they comply with federal policy. And, now we have it on the public record. There is no doubt in the mind of General Fletcher. Productive workshops for the blind should be covered by the protections available to employees under the National Labor Relations Act, regardless of NIB's protests that the blind are only clients. What an historic and great



admission! Blind workers in productive workshops should be covered by the National Labor Relations Act, so says the executive director of the federal agency responsible for the Javits-Wagner-O'Day Program.

At approximately 2:00 p.m. on May 18, 1983, Chairman Frank rapped the gavel and brought to a close the hearing by the Subcommittee on Manpower and Housing into issues concerning employment of the blind and handicapped under the Javits-Wagner-O'Day Act. All of the testimony had been received, except for certain written materials to be submitted later for the printed record.

At this writing (early in June, less than a month after the close of the hearing, itself) we cannot say what the immediate results will be. Will the Subcommittee on Manpower and Housing actually develop legislation to make meaningful changes in the current law? Who can tell? The process of change is slow but continuing, and the hearing of May 17 and 18 is but one step along the way. Even so, history was made and the blind of the country helped to write it. As we have often said, the future is ours. If we have the confidence and wisdom to act responsibly and with effectiveness, we hold within our grasp the ability to shape our nation's laws and policies which can forever improve our lives and those of the blind who follow us. Times have changed, and we, the blind, have been part of that change. In fact, we are making it happen somewhere in our land, every day. We, the blind, have taken control over our own destiny. We have taken our message to Congress, and our voices are now being heard.

We conclude this article by remember-

ing the words of President Jernigan when he spoke to the delegates assembled at the 1971 Convention of the National Federation of the Blind. Those words have set our course for the future and established the terms under which we, the blind, are determined to proceed. The positions we take are matters of significance which all of us, as well as our opponents would do well to remember. Here is what we said as we assembled for our national convention more than a decade ago. And, as you read these words, think about what they have meant in determining the course of history ever since.

"Now let me say something to those agencies who still look back to yesterday who condescend to the blind, who custodialize and patronize. To them I say this: Your days are numbered. Once men have tasted freedom, they will not willingly or easily return to bondage. You have told us as blind people and you have told the community at large that we are not capable of managing our own affairs, that you are responsible for our lives and our destinies, that we as blind people must be sheltered and segregated—and that even then, we are not capable of earning our own keep. You have told us that we as blind people do not really have anything in common and that we, therefore, do not need an organization—that there is no such thing as an 'organized blind movement.' But you have not spoken the truth."

"If you tell us that you are important and necessary to our lives, we reply: It is true. But tear down every agency for the blind in the Nation, destroy every workshop, and burn every professional journal; and we can build them all back if they are needed. But take away the

blind, and your journals will go dusty on the shelves. Your counselors will walk the streets for work, and your broom corn will mold and rot in your sheltered shops. Yes, we need you; but you need us, too. We intend to have a voice in your operation and your decisions since what you do affects our lives. We intend to have representation on your boards, and we intend for you to

recognize our organizations and treat us as equals. We are not your wards, and there is no way for you to make us your wards. The only question left to be settled is whether you will accept the new conditions and work with us in peace and partnership or whether we must drag you kicking and screaming into the new era. But enter the new era you will, like it or not."

### MANAGEMENT WASTE IN COMMISSION FOR BLIND

(Note: The following letter, presumably from an employee of the New Jersey State Commission for the Blind, appeared in the April, 1983, State Worker. This is a monthly publication of the union representing state employees. It is widely circulated and widely read.)

Dear State Workers,

A recent issue of the State Worker asked for information about government waste. I'd like to bring to your attention the situation at the Commission for the Blind and Visually Impaired in Newark.

This agency has been going through "reorganization" for nearly five years. The latest phase was initiated by our new Commissioner Albanese under the guise of "management improvement and fiscal responsibility."

Throughout all this, the amount of services and resources delivered has declined, as have the number of direct service workers. Meanwhile, the number of consultants, fiscal staff and program specialists have all increased.

Time and money have been spent on or-

ganizing and reorganizing, studying and restudying, computerizing and recomputing. We even have the biggest xerox in town—if it only copied state workers!

People have been hired from outside to fill newly-created positions despite avowed needs for internal promotions. Simultaneously, clerical and field worker positions remain vacant.

Some offices have been partitioned, carpeted and furnished, while some state workers are forced to share desks and work in large, open areas where at times you can't hear yourself think.

There are supervisors who spend their time turning out reports that are never used, while field workers can't find out how or when real policy decisions will be made or even how to get a stamp to mail a letter.

In short, we're doing so much less with so many more voluminous reports being sent to the Commissioner's office proclaiming great progress and promising goals which in three to six months are still not completed.

Those staff who remain from "the old

days" have given up any hope of progress or of service delivery improvement.

Name Withheld on Request

## WALKER TAKES HIS BLINDNESS IN STRIDE ON TREK

(Note: Early in June of 1983 the following Associated Press article appeared in newspapers throughout the nation.)

Bill Morgan says an old foot injury is more of a problem for him than his blindness as he makes his way across the country to Baltimore to show that blind people are as capable as the rest of society.

The foot is the occasionally sore half of a pair averaging 21 miles a day on the 3,763-mile walk from coast to coast. When he reaches Baltimore in November, the 36-year-old Mr. Morgan says he will be the first blind person ever to have made the trek across America on foot.

Mr. Morgan, of Boise, Idaho, arrived Tuesday in Nebraska—North Platte, to be exact.

His sight began to deteriorate when he was 10 years old as the result of a disease that attacked the retinas of his eyes. Until two years ago, he said, he was ashamed of his blindness.

Now, because of his association with the National Federation of the Blind, an organization supported primarily by blind people and other interested donors, Mr. Morgan said he has realized that being blind does not make a person a second-class citizen.

"What I'm doing out here," he said last week, "is trying to prove to the public that blind people are just as capable as anyone else if given the spe-

cialized training they need."

The federation is sponsoring his walk to emphasize the organization's work for legislation, employment rights and schooling for blind people, he said.

Mr. Morgan started walking from Astoria, Ore., last spring. He halted for the winter in Wyoming and resumed walking from there this spring. He arrived in North Platte with his friend, Brian Smith, who drives a mobile home several miles ahead of Mr. Morgan and his dog, Heart.

A log book and two roles of film shot each week will provide material for lectures and a book "sometime down the road," Mr. Morgan said. The log has quite a few entries on near-accidents with passing cars.

"I've had a number of close calls," he said. "I've almost gotten hit on a daily basis."

Considering some of his other achievements—rock climbing, wind surfing and flying a plane with the guidance of a Civil Air Patrol pilot—it's likely that Mr. Morgan considers his long walk across the United States well worth the chances.

Because he was not totally blind at first, Mr. Morgan recalled, he was not taught Braille early in his schooling. Later, as his sight deteriorated further, he lost time in learning Braille, he said.

The National Federation of the Blind

has taught him that blindness can be reduced from a "handicap" to a mere phy-

sical nuisance, Mr. Morgan said.

### COMMENTS ON TECHNIQUES, THE DEFINITION OF BLINDNESS, AND RELATED MATTERS

by Dennis Ranker

(Note: Dennis Ranker works as a Staff Attorney in the Office of Hearings and Appeals for the Social Security Administration in Charleston, West Virginia. He is also a staunch Federationist.)

I am writing this letter to express my appreciation to both Mr. Omvig and the Monitor for publishing Mr. Omvig's speech and recent response to an official of the Visualtek Corporation concerning the definition and connotation the word blindness carries among many misinformed people, particularly as it relates to those of us who are blind but continue to be referred to as "partially sighted" by both the public at large and many unenlightened and/or hard headed agencies.

As a blind individual possessing enough residual sight to function with the sighted in most situations, except for equal consideration in terms of employment opportunities, I was the victim of what can best be described as a double standard when it came to dealing honestly with my situation by virtually all rehab counselors I encountered. Since earliest childhood, I have had to use alternative techniques consisting of various optic devices on the market long before the advent of the present genera-

tion of highly magnified closed circuit devices. Since my exposure to the Federation and its approaches to blindness and the subject of alternative techniques in general, I have come to the conclusion that it would have been in my best interest to learn both Braille and print techniques. This is so because my visual limitations preclude reading even large print at any great distance. This puts me at a definite disadvantage compared with a totally blind person who has Braille skills, because such individuals have the ability, among other things, to address large groups from a prepared text with the same capability as a sighted person. Moreover, I am convinced that if such an option had been presented to me earlier, my previous willingness to accept various extra optical devices would have made Braille another tool in the arsenal of alternative techniques I had long ago learned to use in my educational and other endeavors.

Unfortunately, the prejudice of the sighted population, or some other consideration, kept this valuable skill beyond my reach until rather recently. Such was also the case concerning the white cane, which I had considered beneath me or a tool I didn't need because

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I wasn't "totally blind." I could go on at length about what can best be described as the schizophrenic world which those of us with some sight face every day, but those of us who have come to the Federation (and some who haven't) know about this as do enlightened professionals in the field of work with the blind.

I would conclude by saying that the above mentioned submissions by Mr. Omvig merit publication in the professional

literature, should any of them see fit to include it in their august body of knowledge. This is especially so since Mr. Omvig has been and continues to be involved in work with the blind on an ongoing basis at the Social Security Administration and with the Iowa Commission previously. Thank you again for enlightening all of us on the true meaning of blindness and discussing more lucidly than I have ever encountered its true parameters and implications.

## TWO SHOWS IN TOWN—AND ONE FOR THE ROAD

An Address Delivered by Mary Ellen Anderson  
At the Convention of the  
National Federation of the Blind of Iowa  
Cedar Rapids, Iowa  
May 29, 1983

Philosophy bakes no bread, but without philosophy no bread is baked. For each of us in this room tonight that statement instantly unleashes a whole series of images, memories, and emotions. Some remember the 1963 annual banquet in Philadelphia where Dr. Jemigan delivered the banquet address: "Blindness: Handicap or Characteristic"—which, of course, is when that now familiar axiom first became part of our collective wisdom. Most of us came along later than that. We think of our early days in the orientation center or as new Commission clients or staff, struggling with the novel notion of Albert Einstein's having limited employability because of his brilliance, thinking through the non-complimentary nature of the statement "You do things so well that I forget you

are blind....," coming to see significance in the difference between the terms substitute technique and alternative technique, and sorting out for the first time all of the philosophical concepts that by now are almost second nature to us. Or our image is of the "speaking engagement" and the stock "average blind person, average job, average place of work" line that became a standard part of every speech that any of us ever gave. By the way, (for those of you who are a little rusty) that statement also first came to us in "Blindness: Handicap or Characteristic."

Yes, philosophy and statements about it are part of our heritage and therefore, necessarily, part of our future as well. And so I wish to share with you a

few philosophical notions which, in my opinion, have relevance to us as members of the National Federation of the Blind. It has been said (you can guess who said it) that all knowledge is probably a function of definition and relationship. The dictionary tells us that to define is "to determine the essential qualities of a concept or of a thing." Relationship, we are told, deals with "the logical or natural association between two or more things; relevance of one to another; connection." To have knowledge is to "apprehend with clarity or certainty."

Put that formula (definition + relationship = knowledge) aside for a moment. Drawing again on our unnamed philosopher, intelligence has been described this way: 1) to the extent an individual can adapt his environment to suit his needs and wants, 2) to the extent (when he cannot achieve number one) he can adapt himself to his environment, and 3) to the extent he can tell when to do which—to this extent one is intelligent.

Maturity is the final variable needed to complete the formula, and it fits in like this: Intelligence enhanced by the perspective gained from past experience and applied to determine correctly the future effect of current actions is maturity. The degree of maturity is measured by the distance in the past and the future one can mentally reach and apply. So our second formula becomes intelligence tempered by time, equals maturity. Or, in other words, maturity is merely a special dimension of intelligence.

Therefore, if we are to have knowledge (that is, to "apprehend with clarity or certainty") we must first define ("de-

termine the essential qualities") and then find the relationship—"the relevance, the connection, the logical or natural association." Having done that, if our knowledge is to have value, we must apply it with maturity (our intelligence tempered by our experience).

Our unnamed philosopher is, of course, the same one whose wisdom and courage and love have pushed us and prodded us, led us and sheltered us, through all our years of seeking knowledge and emerging maturity. It is, therefore, not only appropriate but it is inevitable that, whenever and wherever we as Iowans gather to chart our course, we be guided by Dr. Kenneth Jemigan—the philosopher, the teacher, the man.

Let us turn now to the task. Let us define and find relationship. Let us look at the past to know the future.

The obvious place to start is with ourselves, the National Federation of the Blind of Iowa—a listing of our essential qualities: You will observe that I say we when I refer to the Federation, for although I am sighted, I am one of you. I regard myself (and am regarded) as fully committed to the Federation—as much a part of it as anyone in the room. The Federation is a philosophy, an understanding, a faith, a way of life. So let us enumerate our qualities. What are we? What do we believe? We speak for ourselves. We provide a forum for the sorting of ideas and the distillation of common positions. We take unified, collective action. We love and support each other. We are one with our brothers and our sisters throughout the country—that is, we are not part of the National Federation of the Blind: We (along with those in other states) are the National Federa-

tion of the Blind. We have a heritage. We have consistency. We have staying power. We have a future—or, as has been said so very many times, "we are the blind speaking for ourselves," and "we know who we are, and we will never go back!"

Then there is the Iowa Commission for the Blind. It, too, needs definition, but it falls less crisply into place. There has not been consistency. As the essential elements have varied, the relationship has evolved.

In the very early days the Commission was the only show in town—or, perhaps more precisely, on the road. For we all remember (from the little black minute book) Mrs. Holmes, touring the state in the new Chevy which the Commission bought every few years, making her rounds as the "friendly visitor." But the world moved on, and by the fifties the organized blind movement in Iowa had begun to count for something. The natives were growing restless. There were now two shows in town. Lack of responsiveness to the wishes of the blind themselves brought a change in the Commission administration—the first, but, of course, not the last time this was to occur. We entered what came to be called "the new era of work with the blind in Iowa." And, although there have been attempts to rewrite history, there remained two shows in town. But the relationship changed.

The Commission had these essential elements (some, but not all of which, it retains today): It was a unit of state government, established to dispense services; it operated a library, an orientation center, and a field services program; it provided information about blindness to the general public; it re-

garded itself as responsible to not for the blind of the state. There was partnership. But it was not an equal partnership. The Commission viewed itself as a secondary rather than a primary voice in the affairs of the blind.

Nevertheless, there came to be problems. There is a theory (same philosopher, naturally) which holds that the greatest strength of an individual or an organization is often the source of its greatest weakness, as well—the strength and the weakness tending to be intertwined, almost inseparable—opposite sides of the same coin. The nearly perfect harmony in the relationship between the Commission and the blind in those years brought a kind of blurring and melding of the traditional roles of each—a development which served to weaken both entities. The general public, the press, the legislature, the Governor, and other officials who had never had much grasp of the distinction in the first place now ceased to have any at all; and the Commission thereby lost the clout of an independent ally, which could come to its defense when it was under attack and serve as a check and balance for its actions. The affiliate, on the other hand, let its mechanisms of self-reliance atrophy. It virtually ceased making legislative contacts. It forgot that the Commission had once been unresponsive and could become so again.

What happened to our institutions happened to us as individuals as well. Many Commission staff became accustomed to the prestige, the glamor, the sort of charismatic swing of it all and came to expect those things as their due. Many of the blind, on the other hand, slipped back into the old "plantation mentality," not only willing but hopeful that

the agency would run their lives.

When the explosions came, as it was inevitable that they would—for no matter the oasis that was Iowa, the war against the forces of exploitation raged on throughout the country with Dr. Jernigan on the cutting edge—many (both among the Commission staff and the blind of Iowa) lacked the strength to absorb the shock waves. There had been too long a period of unbroken success—a whole generation of blind Iowans treated with respect and knowing no other way of life—a generation shielded from privation and wrapped in complacency. Exploitation might occur in other states, but this was Iowa. It could not happen here. We were different. The press understood; the Governor understood; the legislature understood; the public understood. We were invulnerable.

In the circumstances it is not surprising that so many caved in and failed to meet the challenge. Rather, it is surprising that so many stood firm. The nucleus of those who did stand firm is here tonight—stronger, more determined, and more mature for having met the challenge and for having refused to sell out or be bamboozled or give in.

Now, the relationships in Iowa have changed again. The affiliate needs no redefinition. Our essential elements have not altered.

But what of the Iowa Commission for the Blind? What are its qualities and what is the new logical or natural association between it and the organized blind movement? To determine this is to have knowledge, and to temper that knowledge with our past experience is to add the dimension of maturity to our intelligence.

So, let us list the elements: The

director regards it as unimportant that she be knowledgeable about blindness. She intends to administer. Her staff can deal with program. Do you suppose that this can account for her strange action in cancelling student day at the Commission—saying, we're writing a manual instead?

Nolden Gentry, when he served as Chairman of the Governor's Ad Hoc Committee on the Commission for the Blind, sanctimoniously railed in 1978 against "even the appearance of conflict of interest." But, as Commission Chairman, he apparently prefers the actuality of it, having appointed his law partner's wife to be Director. It is a commentary on the attitudes which have come to be held by state officialdom, the press, and the general public of the state that he has not only been allowed to get away with it but defended in it.

No blind person currently holds a top management position on the Commission staff. The Director, the two Assistant Directors, and all Program Managers are sighted. A coincidence? I think not.

General Commission staff meetings have been largely replaced by meetings of supervisory level staff. An employee organization has been formed. A number of staff have found it necessary to pursue various legal channels to secure fair treatment. In certain departments only supervisors are issued front door keys, it being felt that necessary work should be completed between eight and five. In former days the staff would not have tolerated it; the Commission Director and Board would not have permitted it; and the blind and the public-at-large would not have thought it possible. It was a source of general pride that the Commission staff put in what-



ever hours were needed, had a close bond of spirit with each other and the blind of the state, and were more concerned with services than self-interest. A few (a very few) still keep the commitment and follow the tradition.

In the Commission's new newsletter White Cane Update, one staff member was singled out for special praise because (and I quote) "She bargained skillfully with her colleagues in other departments to acquire enough furniture to make a temporary [talking book] station a reality." Now, I don't know about the rest of you, but to me that statement is incredible! It capsulizes and highlights more clearly than any statement of mine could the deterioration which has occurred in the very being of the Commission.

It has become simply one more typical, run-of-the-mill, bureaucratic, state agency. As a matter of fact, it has come full circle! Twenty-five years ago when Dr. Jernigan first came to Iowa, Commission staff spent their creative energy scrounging up castoff furniture from other state departments. Even that staff (pitiful and demoralized as it was) did not scrounge furniture from each other and then try to make a virtue of it. Some call it newness. Some call it progress. I call it retrogression—trying to turn back the pages of history.

The Commission Building still stands at Fourth and Keosauqua in Des Moines. At one time we called it Fortress Iowa. It radiated hope and belief. For a time it transcended its brick and mortar. It symbolized freedom and independence—promise and fulfillment. But no more! It shelters now a crowd which has dishonored its heritage. It is again mere-

ly brick and mortar, except in our memories.

Iowans (not just the blind but government officials, the press, and the public at large) are not at peace with what happened in 1978 and 1979, nor with what is happening today in the 1980's. Even in those who took no part and who do not fully understand it there is a sense of loss, of sorrow, of shame. There is a knowing that what we had was good, special, unique. And, there is a certainty that it is gone. Those who helped to destroy it have not fared well: Roxanne Conlin is not Governor. The Des Moines Register has no Tribune, and its circulation continues to fall. In 1982, for the first time in history, it showed a financial loss in its operations.

John Taylor is no longer Director of the Iowa Commission for the Blind. He is no longer at the center (or even the edge) of the stage. Many of the Commission staff and those blind Iowans who went with them are now cut off from the rest of us, sitting on the sidelines as spectators while the movement passes them by. All that they have is the memory of a heritage, the pretense that they are still what they were, and the attempted rationalization that they truly made a choice (the right choice) instead of simply experiencing a failure of nerve at the critical moment and suffering irreparable loss.

Even the public has suffered. It has lost a source of pride and of national and international recognition which made every Iowan a little better and a little stronger.

But the world is not static, even if history does sometimes seem to repeat itself. In the fifties in Iowa we went to the public and laid out our case. In

the eighties we are doing it again. The Iowa Commission for the Blind still has a part (an important part) to play in our lives, but it must never again be allowed to be perceived as the dominant force. Everyone in the state—including (perhaps especially) those of us in this room—must recognize that where the blind are concerned there is not one show in town but two—as indeed, regardless of what some may have thought there always have been. Let us emphasize it. There are two shows in town, and (in the new relationship and with the maturity our experience has brought) we intend not only for it to stay that way, but to be recognized by all. We intend once more to take our show on the road. We begin some of that process in Garnaville tomorrow. We have learned painful lessons, but in the learning we have been strengthened. Our mechanisms of self-reliance will not again atrophy. Time has tempered our intelligence into

maturity. Our memories of what used to be spur us on to what will be again. Our heritage demands it.

Iowa stands on the front line in the battle of the blind to be free. For that freedom to be snuffed out here, where it all started, is unthinkable; and we will not allow it to be. Iowa is not an island. For nearly 20 years we shared our strength with the blind in every corner of this land. The philosophy took root. It grew and multiplied. Strength now flows back to us from our brothers and sisters in the movement throughout the nation.

There are two shows in town. We apprehend with clarity; we have sorted out the essential elements; we understand the relationships; and we can think in the dimension of time. Definition, relationship, maturity, commitment, belief, determination. My brothers and my sisters, my fellow Iowans, let us stand together, and the future is ours!

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If you or a friend would like to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto National Federation of the Blind, a District of Columbia nonprofit corporation, the sum of \$\_\_\_\_\_ (or "\_\_\_\_\_percent of my net estate" or "The following stocks and bonds: \_\_\_\_\_") to be used for its worthy purposes on behalf of blind persons."

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## RECIPES

*(Note: The recipes in this issue were submitted by Federationists from South Dakota. Shirley Bredenkamp is a member of the Black Hills Chapter; Betty Minier is President of the Sioux Valley Chapter; and Kathleen McRae is Vice President of the Sioux Valley Chapter. The NFB of South Dakota—led by its dynamic President, Karen Mayry—is coming to be one of the most active affiliates in the country.)*

### OATMEAL COOKIES

by Shirley Bredenkamp

**Ingredients:** 1½ cups sifted flour  
½ tsp. salt  
1 tsp. baking powder  
1 tsp. soda  
3 cups oatmeal  
2 cups brown sugar (packed)  
1 cup shortening (Crisco)  
2 beaten eggs  
1 tsp. vanilla  
powdered sugar

**Directions:** Sift flour, salt, baking powder, and soda 3 times.  
Cream brown sugar and shortening. Add eggs and vanilla and beat well.  
Add dry ingredients and oatmeal.  
Chill dough.  
Form into balls the size of walnuts.  
Roll in powdered sugar. Place on greased cookie sheet and press with glass. Cook 8 to 10 minutes at 375 degrees.

## APPLESAUCE BREAD

by Betty Minier

**Ingredients:** 2 cups flour  
¾ cups sugar  
3 tsp. baking powder  
1 tsp. salt  
2 tbsp. vegetable oil  
½ tsp. cinnamon  
1 beaten egg  
1½ cups applesauce  
¼ tsp. lemon flavoring

**Directions:** Sift dry ingredients.  
Add all liquids. Nuts may be added.  
Bake in one large bread pan for one hour in 350 degree oven.

## TUNA CASSEROLE

by Kathleen McRae

**Ingredients:** 1/3 cup milk  
1 can cream of chicken soup or cream of mushroom soup  
1 can of tuna  
1 can (medium) chow mein noodles  
chopped celery

**Directions:** Mix all together EXCEPT a few chow mein noodles for the top. Turn into casserole dish and bake at 375 degrees for 35 minutes. Serves 2-3. Note: Sometimes I omit the celery and add peas to it.

## MONITOR MINIATURES ◇ ◇ ◇ ◇ ◇ ◇

## ◇Elected:

Scott Lewis, former President of the NFB of Washington and now a law student at Northern Illinois University, has been elected to the Board of Governors of the Student Division of the National Association of Criminal Defense Lawyers (NACDL). Scott says: "I represent the 7th Judicial Circuit, which comprises the states of Illinois, Indiana, and Wisconsin."

## ◇Appointed:

Laurie Eckery of Omaha, Nebraska, has been named to the Mayor's Committee on Employment of the Handicapped Task Force. This is an off branch of the Employment Committee working on possible seminars to prepare handicapped people for handling job applications, resumes, interviews, etc.

## ◇New Library:

Horizons for the Blind announces that their new library will open May 2, 1983. The library will specialize in materials dealing with arts, crafts, sports, and science. It is not meant to duplicate but to augment materials from the National Library Service of the Library of Congress. The catalog is in Braille, large print, and cassette; subscription is \$10.00 per year. For more information contact Horizons for the Blind, 7001 North Clark Street, Chicago, Illinois 60626; (312) 973-7600.

## ◇From Tony Burda of Illinois:

"At a cost of \$1.40 per cassette, the Johanna Bureau for the Blind in Chicago will make available recordings of a

four-page newsletter, 'The Medical Letter.' This bi-weekly publication contains clinical drug information which is useful to health professionals. It would probably be too technical for general reading by the lay public. Each recorded cassette contains two issues. Those interested may contact: Mrs. Edith Weiner, Johanna Bureau for the Blind, 30 West Washington—Suite 1600, Chicago, Illinois 60602; (312) 332-6076."

## ◇Another Chapter Visits National Center:

Saturday, April 30, 1983, the NFB of West Virginia chapter from Wheeling, West Virginia, visited the National Center for the Blind. Twenty-four Chapter members and two friends made up the group which included the Mayor of Wheeling, the Honorable William Muegge (a Chapter member). Dorothy Schultz is Chapter President. Following a tour of the National Office, lunch at the Center, a chance to buy aids and appliances, and a look at the recently remodeled Barney Street area on the first level, the West Virginians looked over the courtyard and were particularly pleased to meet a former West Virginian—Bimbo, the National Federation of the Blind truck secured by Sid Allen of Huntington, West Virginia. Before leaving the Center, the Chapter made a \$100.00 donation to the National Treasury.

## ◇From Gladys Oliver of Massachusetts:

"Proud grandparents, great grandparents, and great, great grandparents! Philip Oliver, President of the NFB of Massachusetts, is the grandparent of a baby boy born in January to his daughter

Michelle and son-in-law Kenneth Halligan of Leominster, Massachusetts. The baby's name is Patrick. He has two grandfathers, two grandmothers, one great grandfather, three great grandmothers, and one great, great grandmother. Patrick weighed only three pounds and a few ounces when born, but now he is up to over twelve pounds and is doing fine.

◇From Michael Floyd, President, National Federation of the Blind of Oklahoma, 828 South Wheeling #211, Tulsa, Oklahoma 74104:

"We feel that we have a great opportunity and that the time is right to begin the reform of our state agency for the blind here in Oklahoma. We have this chance in part because of the major changes that the State Department of Human Services is now undergoing. Also, this possibility is due to the accelerating activity of Federation members of the Sooner State. The Division of Visual Services, as it is known, is a denial and a mockery of and an effort to the rights and responsibilities of the blind by attitude, practice, policy, and by its very name. We call upon our brothers and sisters in the movement across the country for help. We need model commission for the blind legislation from other states, as well as general information from states where practices, policies, and attitudes are constructive. We need to persuade legislators and others that reform is needed and possible in Oklahoma."

◇Received from National Braille Press:

"Announcing a new Braille publication!

'Syndicated Columnists Weekly' is a weekly collection of America's favorite columnists—in Braille. They offer more

than just the news, they offer a perspective on the news. SCW premieres with an August 1st issue of 25 pages. For just 25 cents an issue you can share in an analysis of the trends that help shape our society. Contact: National Braille Press, Inc., 88 St. Stephen Street, Boston, Massachusetts 02115; (617) 266-6160. Subscription rate: 52 weeks for just \$13.00. Send for a free copy of the columnists' biographies.

"Typical inclusions: Laugh With Art Buchwald, Play With Keith Montville, Wall Street Journal's Review & Outlook, Rewarding Tattletales, Ann Landers, Politics by David Broder, and And Now...Ellen Goodman."

◇From the New Beacon, February, 1983:

The Royal National Institute for the Blind has set up a Bibliographical Unit to collect and catalog information about Braille and tape publications worldwide.

At present there is no single source of information anywhere in the world on what is published in Braille or on tape.

The new Unit will start by making contact with other libraries and producers, including private Braille and taping groups, and building up catalog and information exchanges.

The Bibliographical Unit will eventually be able to tell blind users of Braille and tape whether a particular publication is available and where.

For further details, write to: Gail Plant, Press Officer, RNIB, 224 Great Portland Street, London W1N 6AA.

◇From Raymond Rokita:

"Audio movie soundtracks on cassette tape. These cassettes are the audio portion only of today's movies. There will be a yearly subscription fee of

\$20.00. All cassettes must be returned after you have listened to them. New movies will be sent upon the return of the tapes. Make checks payable to Raymond Rokita, and send to Raymond Rokita, 510 South Jackson Street, Apt. B2, Jackson, Michigan 49203."

◇From Variety Products Company, 2416 Concord, Lansing, Michigan 48910:

We now have available a free Braille catalog with gifts and many useful items such as music boxes, jewelry, household articles, radios, and tools. For your free catalog in Braille, send us your name and address.

◇Randolph-Sheppard Vendors, an ACB Affiliate—like father, like son:

The American Council of the Blind (ACB) claims to have a very large membership. Of course, its conventions are sparsely attended, and its members are even harder to find throughout the various states. For years people have said that ACB puts the names of people on its membership rolls (with or without their permission) and then never takes them off. ACB denies it. In this connection the following statement from Andy Virden of Minnesota concerning the Randolph-Sheppard Vendors (one of ACB's affiliates) is relevant:

"During the past week I received an 'overdue' notice from the Randolph-Sheppard Vendors national office. Since I have never been a member of that group, I can't figure how I could get an overdue notice for dues never paid. I wonder how many others got the same notice. To send such a notice to non-members, according to one of my customers who has done work for the state charities commission, is a serious violation of Min-

nesota law."

◇Hall of Fame:

Cecilia Ross, a member of the board of the NFB of Illinois, is one of twenty-five Chicago area residents selected to the Senior Hall of Fame for 1983. Cecilia was honored at a reception on May 25. In addition to her Federation activities, she is a member of the King Super Seniors, a retired senior volunteer, a volunteer for Lutheran Social Services, an active member of her church, and a student at Kennedy King Community College.

◇Travels to Europe:

Rami Rabby, Secretary of the National Federation of the Blind, wrote under date of May 16, 1983:

On June 6th I plan to go to Geneva, in order to attend the 1983 annual conference of the International Labour Office—the U. N. agency. At this year's conference, the ILO will be updating its policy statement on vocational rehabilitation, training, and employment of disabled persons. At these annual conferences, the delegations of the member countries are composed of representatives from government, employer associations, and labor unions. As I understand it, at this year's conference, the government representative who is advising the U. S. delegation on rehabilitation issues is Claude Meyer from North Carolina. Also permitted to attend and speak at the conference are observers appointed by so-called "non-governmental organizations." I will be representing the World Jewish Congress. I hope to be able to push for some NFB thinking to be included in the ILO's policy statement

on rehabilitation.

Following the ILO conference, I plan to go to Trieste, Italy, on June 22nd, to attend the Fifth European Technical Conference for the Blind. This is essentially a comprehensive exhibition of aids, devices, and equipment, and is sponsored by the European committees of the International Federation of the Blind and the World Council for the Welfare of the Blind.

◇They say it deals with "Rehabilitation Ergonomists." We print it as we got it:

"Robert L. Lessne, Chairperson of the Human Factors Society, Technical Group on the Handicapped, announces that the Group's first workshop will be held Monday, October 10, 1983 at the forthcoming 1983 Major Scientific Conference of the Human Factor Society which will be held October 10th thru the 14th, 1983 at the Omni International Hotel, Norfolk, Virginia. There will be over 1,000 engineers, architects, psychologists, physiologists, system designers, and management scientists participating at the conference, along with their counterparts from Europe, Japan, Canada, and South America. The purpose of the technical group's workshop will be to study the optimal design of the technical systems that increasingly impact on the daily lives of handicapped persons. The technical group is interested in inputs from individuals and organizations who can contribute to the technologies that will allow disabled persons to reach their potential. The purpose of the technical group will be to promote optimal collaboration between rehabilitation ergonomists and human factors professionals working in industry. For further information about the technical group,

contact Robert L. Lessne, Orientation and Mobility Specialist, at Rehabilitation Services, 14169 S. W. 142 Avenue, Miami, Florida 33186. For further information about the total conference contact Dr. James O'Brien 804-427-3070."

#### ◊Wall Street Journal

In recent hearings which were held before a House Subcommittee concerning minimum wages and other matters dealing with sheltered workshops for the blind, the American Council of the Blind (ACB) and National Industries for the Blind argued that blind people should be paid less than the minimum wage because of their inability to compete with others. After all, they said in effect, three quarters of a loaf is better than none. However, the Wall Street Journal for May 19, 1983, reports that Blind Industries and Services of Maryland (the shop headed by Ralph Sanders, a shop which pays no worker at less than the minimum wage) has come out with a new premium quality legal pad, which is being widely sold. This quality product is produced by blind workers. It is thought good enough by the nation's leading business publication to merit comment and mention. If blind workers are truly not competitive, how can all of this be explained?

#### ◇From New Hampshire:

Carol Holmes, First Vice President of the National Federation of the Blind of New Hampshire, recently sent us the following press release:

"The National Federation of the Blind Trains Its Members to Lead On Saturday, April 30th, four chapters of the New Hampshire affiliate of the National Federation of the Blind sent representa-



tives to a leadership training seminar convened by President, Mrs. Theresa Herron of Northwood. The all day workshop was held at the Nashua Vocational-Technical College. The applications of leadership concepts and techniques were examined and demonstrated with regard to: the do's and don'ts of persons in leadership positions; considerations on the delegation of tasks and authority at both State and Chapter levels; the politics of committee assignments; individual rights and responsibilities with regard to elections; the encouragement of member participation; the selection of fundraising ideas; and a discussion of some seventeen bills now being considered at the current State Legislative Session which have impact on the life of every blind person in New Hampshire. The organization's first priority is always to concern itself with issues that affect all blind people, whether they belong to the organization or not. —Louis Gosselin, State Publicity Committee."

#### ◇South Dakota Convention:

Our state convention was held in Rapid City, South Dakota, on April 30, 1983. We were fortunate to have James Gashel as our National Representative. In addition, Eileen O'Brien from Elmhurst, Illinois, addressed the group regarding the "Network" of blind diabetic kidney transplants or diabetics on dialysis. Larry Ketner from Minnesota represented all of those fine folks. Eighty-four persons attended our banquet. Entertainment was provided by the Mobridge, South Dakota, Kitchen Band. The following persons will serve during 1983-1984: Karen Mayry: President, Rapid City; Joe Bollwerk: Vice President, Rapid City;

Shirley Bredenkamp: Secretary, Rapid City; Elaine Schaefer: Treasurer, Mitchell; Rick Switzenberg: Director, Aberdeen; Betty Minier: Director, Sioux Falls; and Norma Johnson: Director, Rapid City.

#### ◇From Hal Bleakley:

"Aids Unlimited, Inc. is now selling Panasonic's hand-held talking calculator, model JE 720U. This is an 8-digit, hand-held talking calculator. The voice speaks your entries and results. Sure-Touch keyboard for accurate entry. Memory has 8-digit storage and memory protection. Automatic power shut-off. Percent key. Automatic constant in addition, subtraction, multiplication, and division. Operates on three "AA" size dry batteries. Dimensions 5-11/16" long by 2-7/8" wide by 1-1/8" high. Weight Approximately 9 ounces, with batteries inserted. Guarantee One year limited warranty. Terms Individuals—payment with order. Organizations—signed purchase order; net 30 days. No postage added. Order From Aids Unlimited, Inc., 1101 North Calvert Street, Suite 1901, Baltimore, Maryland 21202; phone: (301) 659-0232."

#### ◇100% Success; Tom Anderson of Ohio writes:

"Since January of this year, I have approached eight radio stations in the Niles, Warren, and Youngstown areas to play our radio public service announcements. These are all AM stations. I am happy to report that all eight of these radio stations have been or will be playing our public service announcements. That's 100% cooperation.

"Almost all of the FM radio stations in this area do not use any public serv-

ice announcements from anywhere. But I will talk to them and a few other outlets in the near future. I will also approach other radio stations that are considered outside of the Mahoning Valley geographic area.

"At one time, I thought I could never have the courage to approach any radio station at any time about playing our public service announcements. So this successful effort constitutes a real personal accomplishment for me."

#### ◇Cause of Eye Abnormality Discovered:

Recently, the substance of the following article was widely printed in newspapers throughout the country:

"Researchers said they have identified a substance that stimulates new blood vessel growth within the eye which could be a main factor in the leading cause of irreversible blindness. Researchers at Johns Hopkins University Medical School say the discovery opens up a new approach to studying abnormal vessel growth in the eyes of diabetics. It could lead to a different type of treatment. More than 300,000 American diabetics are currently at risk of blindness from this vessel condition."

#### ◇New Chapter:

On May 14, 1983, the Oakridge Chapter of the National Federation of the Blind of Tennessee was formed. Fifteen people paid dues and became members. The following were elected to office: Reginal Linsey, President; Billy Godsey, First Vice President; Marvin Curley, Second Vice President; Carol Terry, Secretary; and Rachel Curley, Treasurer. State President Lev Williams and representatives from several local chapters from throughout Tennessee were present

and helped get the Chapter off to a good start.

#### ◇Blind Man Finds New Way, Traverse City, Michigan:

The May 20, 1983, Record Eagle of Traverse City, Michigan, carries an article which says in part:

Joe Schmuckal credits the National Federation of the Blind and its local president with helping him return to an active life.

Joe Schmuckal is determined to make blind people more visible in Traverse City. Schmuckal, who grew up here, said, "Before I went blind, I was only aware of seeing two blind people in my life."

As publicity director of the local chapter of the National Federation of the Blind, Schmuckal is trying to educate the public, and encourage the area's blind population to become more self-sufficient.

Schmuckal, a self-employed contractor who lost his vision a year and a half ago—at age 34—credits the federation and its local president, Marshall Houchin, with helping him return to an active life.

Schmuckal's blindness, which resulted from diabetes, happened fairly quickly, and he recalls feeling "really lost" at first.

"It took me two months to figure out what to do," he said. "I couldn't see to even walk my dog."

Schmuckal was making arrangements to sell his tools when he met Houchin. "After a couple of weeks with him, I saw my self-confidence return," Schmuckal said.

Since then, Schmuckal has learned that being around other blind people, and

learning their techniques, is important for the newly blind.

"Marshall let me build myself up for a couple of weeks, then hit me with what the blind can do."

Schmuckal is still self-employed. Before he lost his sight, he was a finish carpenter for custom builders, and had been in the business for 12 years.

Last year he started an insulation company, Heritage Custom Homes, and supervises two to four employees who weatherize houses.

#### ◇To Share an Experience about the Eye Institute:

We have received the following letter from Jeff and Linda Scales, Route 4—Meansville Road, Union, South Carolina 29379; (803) 427-7134:

"I would like to tell the readers of the Braille Monitor about our experience with the Eye Institute in Philadelphia, PA. My brother and I both have Inverted Retinitis Pigmentosa. We visited the Low Vision Eye Institute to see if we could be helped. The results were amazing. For the first time in many years we are able to read again. We were also fitted with a telescopic lens inserted in one eye of a pair of glasses for distance viewing, as well as special light filtering sunglasses. The Institute has control of the Honeycomb Lens, which was turned over to them by Dr. William Feinbloom, the inventor of the lenses. Their address is The Eye Institute, 1201 West Spencer Street, Philadelphia, Pennsylvania 19141; or call (215) 276-6060. They are set upon a four-day testing plan, and only take six patients weekly. It usually takes some time to get an appointment. If we can help anyone, please feel free to call

us."

#### ◇Leader Dies:

We have just received word from Tommie Johnson, President of the NEB of Georgia, of the death of Carrie Harris. We have very few details. Apparently Carrie had complications with her diabetes, was taken to the hospital, developed pneumonia, and died. As Federationists will remember, Carrie Harris was one of those resolute Californians who refused to knuckle under to the pressure and dictatorial tactics of Bob Acosta. She was on the board of the National Federation of the Blind of California in 1978, and she refused to be intimidated or forced. She voted for the expulsion of Bob Acosta and felt until her dying day that it was one of her most valuable services to the blind.

#### ◇Unusual Request:

We have been asked to find someone who can read a Braille letter which appears to have been written sometime during the 1800's. We have the letter here at the National Office, but none of us can read it. It may be in New York Point, or it may be in some other code. Anyone who feels that he or she might be able to make the translation is asked to contact us.

#### ◇Changes in Dialogue

In July Louise and B. T. Kimbrough left Dialogue Magazine to take up new positions in Florida. Louise, who has served as Dialogue Editor, has been employed as Director of Special Projects at Triformation Systems. B. T., who has served as Studio Director at Dialogue, will be expanding his freelance recording business. As this issue of the

Monitor goes to press, Dialogue has not named a new Editor.

◇Receives Award:

Each year the Hadley School for the Blind in Winnetka, Illinois, gives the Dr. Richard Kinney Challenge of Living Award to an outstanding student (or students). This year the Award was presented to Federationist Pilar Afzelius of Woburn, Massachusetts. Mrs. Afzelius is both deaf and blind. The letter informing her of her selection said in part: "You were selected for the Award because of your many achievements and because you are an example of one living a life of enrichment." Mrs. Afzelius received a plaque, and her name "will be permanently added to a list on display at the Hadley School." She went to Winnetka to receive the Award May 21, 1983.

◇Feel and Read, See and Read:

"For twenty-one years this has been a constant Braille greeting card service on a voluntary basis. Christmas cards, combination print and Braille, with or without scripture text priced 16 for \$3.00. Add 70 cents for name in print per set. Everyday greeting cards such as birthday, get well, sympathy, etc. priced at 8 for \$1.50. Special offer while they last, 18 all occasion cards for \$3.00. Also, religious reflection cards, all occasion, 14 per box for \$3.00. Add 70 cents for name in print on either assortment. Name in Braille free on all cards by request only. Envelopes (#10 long white—100 for \$2.25); (6-1/2 x 9-1/2 with clips—100 for \$6.00); (6-1/2 x 9-1/2 without clips—100 for \$4.00). Please include full payment with your order. Postage prepaid. Send to: Harry A. Fribush, 400 Hudson Avenue Apt. 104, Albany, New York 12203."



THE BRAILLE MONITOR

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